INDEX TO JOINT APPENDIX.

	Page
I. Pleadings, Docket Entries and Other Papers	2
The Indictment	2
Motion to Dismiss Indictment, or, in the Alternative, for a Bill of Particulars	4
Bill of Particulars	6
Supplement to Bill of Particulars	7
Exhibit A	7
Exhibit B	12
Opinion	18
Subpoenas	29
Subpoena Duces Tecum	32
Schedule A	33
Motion by the Defendant to Postpone Date of Trial	39
II. Excerpts from Testimony and Proceedings	40
Proceedings	40
Motion to Postpone Trial	40
Motion to Dismiss Indictment	53
Motion to Exclude Government Workers From Jury	56
Questions for the Jury Panel	57
Government Workers	61
Witnesses:	
John W. Carrington	69
John S. Wood	71
Motion for Judgment of Acquittal	126
Witnesses:	
Corliss Lamont	130
James Hardin Peterson	156
John S. Wood	167
Corliss Lamont	173
Dr. Clyde Miller	177
Richard Morford	183
Motion to Dismiss Indictment	191
Motion for Judgment of Acquittal	202
Rulings on Requests for Instructions	203
Defendant's Requests for Instructions to the Jury	205
Government's Prayer for Instruction No. 1	208
Argument to the Jury on Behalf of the Defendant	209
Charge to the Jury	209

Page

Defense Objections to Charge to Jury 217
Verdict of the Jury 219
Motion for New Trial 220
The Judgment 222
Notice of Appeal 222

III. Exhibits and Excerpts 224

Government's Exhibits
Government's Exhibit No. 3 251
Government's Exhibit No. 12 255
Defendant's Exhibits
Defendant's Exhibit No. 2 253
Defendant's Exhibit No. 2 (cont.) 258
Defendant's Exhibit No. 3A 243
Defendant's Exhibit No. 3B 245
Defendant's Exhibit No. 4 347
Defendant's Exhibit No. 5 348
Defendant's Exhibit No. 8 349
Defendant's Exhibit No. 10 350
Defendant's Exhibit No. 12 352
Defendant's Exhibit No. 13 353
Defendant's Exhibit No. 14 354
Defendant's Exhibit No. 15 359
Defendant's Exhibit No. 16 236
Defendant's Exhibit No. 20 361
Defendant's Exhibit No. 21 362
Defendant's Exhibit No. 22 363
Defendant's Exhibit No. 23 364
Defendant's Exhibit No. 24 366
Defendant's Exhibit No. 25 368
Defendant's Exhibit No. 26 369
Defendant's Exhibit No. 27 370
Defendant's Exhibit No. 28 370
Defendant's Exhibit No. 29 371

III. Exhibits and Excerpts

Defendant's Exhibit No. 31 372
Defendant's Exhibit No. 32 373
Defendant's Exhibit No. 33 374
Defendant's Exhibit No. 34 375
Defendant's Exhibit No. 35 376
Defendant's Exhibit No. 39 378
Defendant's Exhibit No. 40 378

Page

Defendant's Exhibits (cont.)

Defendant's Exhibit No. 41 378
Defendant's Exhibit No. 42 378
Defendant's Exhibit No. 43 379
Defendant's Exhibit No. 45 383
Defendant's Exhibit No. 46 384
Defendant's Exhibit No. 48 385
Defendant's Exhibit No. 49 385
Defendant's Exhibit No. 51 388
Defendant's Exhibit No. 52 389
Defendant's Exhibit No. 53 395
Defendant's Exhibit No. 54 397
Defendant's Exhibit No. 55 398
Defendant's Exhibit No. 56 399
Defendant's Exhibit No. 57 401
Defendant's Exhibit No. 60 323
Defendant's Exhibit No. 61 402
Defendant's Exhibit No. 62 404
Defendant's Exhibit No. 67 407
Defendant's Exhibit No. 68 423
Defendant's Exhibit No. 69 425
Defendant's Exhibit No. 72 224
Defendant's Exhibit No. 73 225
Defendant's Exhibit No. 74 226
Defendant's Exhibit No. 75 226
Defendant's Exhibit No. 76 228
Defendant's Exhibit No. 77 229
Defendant's Exhibit No. 78 229
Defendant's Exhibit No. 79 230
Defendant's Exhibit No. 80 231
Defendant's Exhibit No. 81 438
Defendant's Exhibit No. 82 232
Defendant's Exhibit No. 83 426
Defendant's Exhibit No. 84 429
Defendant's Exhibit No. 85 429
Defendant's Exhibit No. 86 234
Defendant's Exhibit No. 87 247
Defendant's Exhibits Nos. 88 and 89 249
Defendant's Exhibit No. 91 432
Defendant's Exhibit No. 93 252
Defendant's Exhibit No. 94 290
Defendant's Exhibit No. 95 235

IN THE

United States Court of Appeals
for the District of Columbia Circuit

No. 9854.

RICHARD MORFORD, *Appellant,*

v.

UNITED STATES OF AMERICA, *Appellee.*

Appeal from the District Court of the United States for the District of Columbia.

JOINT APPENDIX.

I.

PLEADINGS, DOCKET ENTRIES AND OTHER PAPERS

629 Filed March 31, 1947

The Indictment.

District Court of the United States for the District of Columbia

Holding a Criminal Term

January Term, 1947

Criminal No. 366-47

Grand Jury Original

Violation 192, Title 2 U. S. C.

(Contempt of House of Representatives)

UNITED STATES OF AMERICA

v.

RICHARD MORFORD

The Grand Jury charges:

Pursuant to House Resolution 5 of the House of Representatives of the United States, 79th Congress, dated January 3, 1945, including the rules of Congress therein adopted and amended, the House of Representatives was empowered to and did create the Committee on Un-American Activities, having duties and powers as set forth in said Resolution

Richard Morford was summoned as a witness by authority of the House of Representatives, through its Committee on Un-American Activities, to produce before the said Committee records upon the matter under inquiry committed to said Committee by the Resolution aforesaid, that is to say,

all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945. He appeared before the said Committee at its session in the District of Columbia on March 6, 1946, but then and there refused to produce the said records upon the matter under inquiry, and thereby wilfully made default.

630 Second Count:

The Grand Jury charges:

That Richard Morford, having appeared before the Committee on Un-American Activities of the House of Representatives on March 6, 1946, under the circumstances set forth in the first count of this indictment, the allegations concerning which are incorporated into this count, was asked by the Committee who were the members of the publications committee of the National Council of American-Soviet Friendship, Inc., which prepared and edited a publication known as "Reporter", which question was pertinent to the inquiry which the Committee on Un-American Activities was then conducting, pursuant to the Resolution mentioned in the first count; and Richard Morford refused to answer that question.

GEORGE MORRIS FAY,
Attorney of the United States in and for the District of Columbia.

A True Bill:

HELEN M. HOFFMAN,
Foreman.

* * * * * * * * * *

631 Filed May 5 1947

Motion to Dismiss Indictment, or, in the Alternative, for a Bill of Particulars.

The defendant moves that the indictment be dismissed on the following grounds:

1. The indictment is fatally vague, uncertain, and indefinite, in that:

a. The first count does not show that the documents allegedly summoned or subpoenaed were material to the matter under inquiry, nor does it set forth the facts upon which such materiality is based.

b. The second count does not set forth the facts upon which it is alleged that the question allegedly asked of the defendant was pertinent to the question under inquiry.

c. The second count shows neither the precise question allegedly asked nor the precise manner in which the defendant allegedly refused to answer.

2. The first count of the indictment is fatally defective in that it is based upon an invalid summons or subpoena to produce documents.

3. The indictment does not state an offense against the United States in that the scope of the investigation committed to the House Committee on Un-American Activities by House Resolution 5 of the 79th Congress is not
632 judicially ascertainable and the pertinency of any question or document is not determinable by the Court.

4. House Resolution 5 of the 79th Congress, as construed and applied, in conjunction with Section 192 of Title 2 of the U. S. Code and Section 192 of Title 2 of the U. S. Code as applied does not provide the ascertainable standard of guilt required by the Fifth and Sixth Amendments to the U. S. Constitution.

5. The indictment does not state an offense against the United States in that the scope of the investigation com-

mitted by the 79th Congress to the Committee on Un-American Activities in House Resolution 5 is indefinable and so indefinite and sweeping that the attempts of the Committee on Un-American Activities to compel the defendant under the threat of criminal prosecution to produce the documents referred to in the first count of the indictment and to answer the question referred to in the second count of the same, are beyond the constitutional powers of Congress.

In the alternative, the defendant moves for an order, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, directing the United States of America to furnish a bill of particulars with respect to the following matters alleged in the indictment:

With Respect to the First Count:

1. State the matter that was under inquiry at the March 6, 1946 session of the Committee on Un-American activities and specify in what particular or particulars the documents called for by the summons or subpoena were material to the matter under inquiry.

2. State the questions and answers upon the basis of which it is alleged that the defendant was requested to produce the documents and refused so to do.

633 With Respect to the Second Count:

3. State the matter that was under inquiry at the March 6, 1946 session of the Committee on Un-American activities and specify in what particular or particulars the question or questions propounded to the defendant which he is alleged to have refused to answer were pertinent to the question under inquiry.

4. State the questions and answers upon the basis of which it is alleged that the defendant refused to answer a question or questions pertinent to the inquiry.

CHARLES A. HORSKY,
Counsel for the Defendant.

May 5, 1947

634 Filed May 7, 1947

Bill of Particulars

Responding before argument to certain portions of the motion for bill of particulars filed herein on May 5, 1947, the United States Attorney states as follows:

1. (First part of paragraph 1, page 2 of motion). The matter under inquiry before the Committee on Un-American Activities of the House of Representatives at the time the defendant was summoned and appeared as alleged, was that part of the matter which related to the National Council of American-Soviet Friendship, Inc., and organizations affiliated therewith and individuals connected therewith.

2. (Paragraph 2, page 2 of motion). The questions and answers upon which is based the allegation that the defendant refused to produce the records he was summoned to produce when he appeared before the Congressional Committee in the District of Columbia on March 6, 1946, are some or all of the questions, answers and proceedings relating to that subject which occurred on that occasion. A transcript of all these questions, answers and proceedings will be furnished to the defendant within ten days of the filing of this bill.

3. (Paragraph 3, page 3 of motion). The matter under inquiry at the March 6, 1946, session of the Committee on Un-American Activities was that part which related to the National Council of American-Soviet Friendship, Inc., and organizations affiliated therewith and individuals connected therewith.

635 4. The questions and answer upon which is based the allegation that the defendant refused to answer the question described in the second count of the indictment when he appeared before the Committee on Un-American Activities on March 6, 1946, in the District of Columbia, are some or all of the questions, answers and proceedings relating to that subject which occurred on that occasion. A transcript of these questions, answers

and proceedings will be furnished to the defendant within ten days of the filing of this bill.

GEORGE MORRIS FAY,
United States Attorney.
CHARLES B. MURRAY,
Assistant United States Attorney.

* * * * * * * * * *

636 Filed May 16, 1947

Supplement to Bill of Particulars

Pursuant to the undertaking of the United States Attorney in his Bill of Particulars filed herein on May 7, 1947, I have this 16th day of May, 1947, sent by official United States Mail to Charles A. Horsky, Esquire, attorney for the defendant, at his address Union Trust Building, Washington 5, D. C., the transcript of questions, answers and proceedings mentioned in Paragraph Two of said Bill of Particulars consisting of seven pages, an exact copy of which is attached hereto marked "Ex. A"; and the transcript of questions, answers and proceedings mentioned in Paragraph Four of said Bill of Particulars consisting of nine pages, an exact copy of which is attached hereto marked "Ex. B".

CHARLES B. MURRAY,
Assistant United States Attorney.

* * * * * * * * * *

637 **Exhibit A** 901-902

Mr. Adamson. Now, Mr. Marford, I believe you were served with the subpoena on February 11th in New York City at your office, and I think you asked for an adjournment of your appearance to this date. Is that correct?

Mr. Marford. That is correct.

Mr. Adamson. And the committee granted your request for the adjournment?

Mr. Marford. That is right.

The Chairman. He is here now in response to the subpoena?

Mr. Adamson. He is here in response to the subpoena, yes. The subpoena was served by John W. Carrington, Clerk of this committee, on February 11, 1946, at 3:30 p. m., Mr. Marford, the witness, who is now here, at his office in New York City, and the subpoena commanded Mr. Marford to appear and produce all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda, communications with any and all persons, together with a list, a complete list of all affiliated organizations for the year 1945. I now offer this subpoena for the record.

The Chairman. It will be received.

(The subpoena referred to follows:)

* * * * * * * * *

638 Mr. Adamson. Now, Mr. Marford, have you produced for the inspection of this committee, the books, papers and records and documents and any other material that may be relevant here at this time? 903

Mr. Marford. Yes, sir, and I am prepared to offer still further material, material that we consider relevant to the basis of the inquiry upon what this committee operates (producing papers).

Mr. Adamson. Tell us what you have produced at this time.

Mr. Marford. The material has already been introduced, and you have, I judge, not yet made a part of the record the fact that we did offer material concerning our activities before, a full list of which was prepared and is now prepared, to indicate the material that has been submitted to this committee. Have you yet made that a part of the record that this material is in your hands, sir?

Mr. Adamson. Mr. Marford, you understand, do you not, that Mr. Lamont appeared down here and refused

to produce any further books, papers or records, other than the copies of the publications which your council has made public?

Mr. Marford. I am aware that the publications were offered to you, sir.

Mr. Adamson. We have that.

Mr. Marford. And you indicated that you had received and that examination had been made of those materials, and I come today to offer you additional material that has to do with the activities of the organization. 639 904

Mr. Adamson. Very well, suppose you recite to us now what you have produced here today, so that we can determine whether or not you have complied with the subpoena.

The Chairman. Why don't you give the list of the contributors in 1945?

Mr. Marford. I would like to indicate what I am prepared to offer in meeting what appears to us to be the legitimate demands of this committee for the record of its activities, and I want to enter that, sir.

Mr. Adamson. The committee will decide whether or not you have complied with the subpoena, if you will be good enough to indicate what you have.

Mr. Marford. I will indicate the materials that I am prepared to supply; then you can use your own judgment about it. I want to supply you with a record of the speeches that were made at the dinner occasion under the auspices of the National Council, February 21, 1946, and in further corroboration of that event, in terms of the newspaper clippings that are the result of that occasion. Then this other material was offered to you for your examination, we have a bulletin of the Committee on Education that I want to place in your hands; the proceedings of the American-Soviet Building Conference of last spring-time, that I should like further to offer to the committee. 640 905

Mr. Mundt. Is that all you have?

Mr. Marford. That is the additional material since this other material was offered to you.

The Chairman. None of that material, Mr. Marford, was called for by the subpoena. Specifically, first are the books, records and papers and documents showing the receipts for 1945. Have you got that?

Mr. Marford. No, I came to try to explain to you, sir, the basis on which we are submitting the material to you. We have offered the material.

The Chairman. Have you got the list of your contributors for 1945, showing the amount of each contribution?

Mr. Marford. I want to explain to you our position in the matter. I am under directions from our Board to protect against unwarranted encroachments the records which are the internal affairs of our organization, and which by no remote consideration could be considered propaganda activities; certainly could not be counted un-American or subversive activities, and therefore my responsibility as an officer of this organization is to protect these records against what appears to be an irrelevant request, which is my responsibility, and it seems to me yours to hear the explanation I am prepared to make.

The Chairman. I will ask you again, are
641 you prepared now to disclose to this commit- 906
tee the list of your contributors for the year 1945 to the National Council of American-Soviet Friendship, Incorporated?

Mr. Marford. The terms of the resolution under which you operate——

The Chairman (interposing). I didn't ask you that. I just asked if you are prepared to present that list. That is a simple question. You can answer that "yes" or "no".

Mr. Mundt. You must know whether you have got them here or not, whether you brought them.

The Chairman. Have you got that list here ready to turn over to this committee?

Mr. Marford. I am protecting the records of my organization against unwarranted encroachment.

The Chairman. I just asked if you are prepared now to produce the records in conformity with the subpoena?

Mr. Marford. These records do not appear to be here, sir.

The Chairman. You have such records?

Mr. Marford. The records are in my custody in the office of the Council, yes, sir.

The Chairman. Very well, are you prepared now to produce today, in conformity with this subpoena, all the books, records and documents showing disbursements of money for the year 1945, of the National Council of Soviet-American Friendship?"

Mr. Marford. We believe that this material is outside the proper scope of your investigation. 642 907

The Chairman. I understand, but I didn't ask you that.

Mr. Marford. That is my reply.

The Chairman. I just asked if you have got them here ready to produce to this committee in conformity with the subpoena. That is a simple question. You know whether you have got them or not.

Mr. Marford. I am trying to make an explanation to you, sir.

The Chairman. You have already made the explanation, and I give you permission to do that. Now, I want you to answer the question, have you got them in conformity with the terms of this subpoena?

Mr. Marford. I have not the records here.

The Chairman. You have such records?

Mr. Marford. I have such records, sir.

The Chairman. Now, I will ask you whether or not you have got and are prepared to produce all your corerspondence, memoranda and communications with any and all persons, together with a complete list of your subsidiary organizations?

Mr. Marford. No, because we count this a completely unreasonable request, and without the terms of the reso-

lution under which this committee acts. As a practical matter, I do not have those records at the moment.

The Chairman: You have them in your possession?

643 Mr. Marford. They are at the office. 908

The Chairman. I will ask you one further question. If one of our investigators should come to your office in New York City, thereby saving you the burden and inconvenience of producing them and bringing them here, will you permit him to see them?

Mr. Marford. It would be still my responsibility not to permit him to investigate those records.

The Chairman. I didn't ask you about responsibility, I asked you if you would permit him to investigate those records.

Mr. Marford. I would not permit him to do that.

The Chairman. That is all, so far as I am concerned.

644 **Exhibit B** 914

Mr. Adamson. I should like to quote a couple of lines here. You have a publication that is called "The Reporter"? Is that right?

Mr. Marford. Yes, sir.

Mr. Adamson. And that is sort of a regular publication issued at regular intervals?

Mr. Marford. Yes, sir.

Mr. Adamson. On October 15, 1945, in discussing the procedural discussions at meetings between the three great powers, that is, Great Britain, the United States and Russia, your bullein goes on to say: "The Soviet case, even on the issue of procedure, stands out far better than the position of the United States." Does that, to your mind, suggest that your Reporter takes any attitude as between the position of the United States and the position of the Soviet Government? Let us get our standard of measurement here on your judgment.

Mr. Marford. I would recognize that opinion as an opinion that is based upon facts that have been considered by the committee responsible for that publication.

Mr. Adamson. In other words, your office, and at least the persons who are responsible for the preparation of the material for this Reporter, felt when that was written that Soviet Russia was right and the United States Government was wrong in the dispute? Is that correct?

Mr. Marford. Let me see.

Mr. Adamson. Well, I have a complete digest of all your publications.

645 Mr. Marford. Of course, I appreciate that. 915

Mr. Adamson. That was the issue of October 15th. Now, I just want your opinion as to whether or not you consider that to be an expression of the attitude on the part of your Council, the National Council, not your legal counsel.

Mr. Marford. Well, we believe that on the basis of fact it is quite within the rights of the Council to draw an opinion. I am answering on a question of my knowledge of what was done.

Mr. Adamson. In other words, you feel that the Council has taken, and has a right to take, a position hostile to the attitude of the United States Government, and frendly to the position of the Soviet Government? Is that correct?

Mr. Marford. That is not correct, and that may not be implied from that kind of statement.

Mr. Adamson. Let me read it again, only a few words: "The Soviet case, even on the issue of procedure, stands up far better than the position of the United States."

Mr. Marford. You see, you are taking it out of context. That is the reason I would like to read from the copy of it. Is is only a question of procedure that is involved, and that has nothing to do with attacking a system.

Mr. Adamson. If that statement appears in your Reporter as I have read it, then would you say that that was an expression of position on the part of the National Council?

646 Mr. Marford. Well, that is a publication of 916
the National Council. We do not necessarily have to stand for every word that may be uttered in that publication.

Mr. Adamson. Who prepared this bulletin called "The Reporter?"

Mr. Marford. That is the responsibility of our publications Committee.

Mr. Adamson. Who is the committee?

Mr. Marford. Now you are moving in an area in which you are asking about the internal structure and operations of our organization, and that is a point which I have indicated to you goes beyond the scope of your committee.

Mr. Mundt. Do you know who edits the Reporter? Do you know, and don't want us to know who edits the Reporter?

Mr. Marford. I don't want to answer, because that is a matter that is beyond the scope of your investigation, according to our judgment.

Mr. Mundt. A question of any investigatory scope at all certainly would attach itself to the editor of a publication, about the wisdom of statements of which we have doubts. Certainly, if we have any investigatory powers at all, we would want to know who is responsible for statements that are un-American, if they are so demonstrated to be.

647 Mr. Marford. If it is true that your inves- 917
tigatory powers enable you to move in to ask for the total information concerning the internal structure and operations of our organization, it is at that point that I have indicated to you that we feel that it is outside the proper scope of your operations in terms of your authority by Congress to investigate un-American propaganda activities.

Mr. Adamson. We are getting off the track. I ask you, did you write it?

Mr. Marford. This is October 15th. I did not write it.

Mr. Adamson. Do you write them now?

Mr. Marford. I do not write the material for the Reporter.

Mr. Adamson. All right, then, who is responsible for the preparation and publication of the material in this bulletin of yours called "The Reporter"?

Mr. Marford. I have stated that I refused to——

Mr. Adamson (interposing). You refuse to answer that question?

Mr. Marford. I have indicated to you the publications committee, and beyond that I feel it is within my province not to furnish you further information at that point concerning the structure of our organization.

Mr. Adamson. Do you refuse to answer that question?

648 Mr. Mundt. He refuses to identify the members of that committee. Is that right? 918

The Chairman. Is that correct?

Mr. Marford. On a basis of principle, you see.

The Chairman. I am not asking about what basis it is. Do you decline to divulge the names of your Publications Committee?

Mr. Marford. I think at this point it is proper for me to indicate that I may not go into the matter further of the internal affairs of the organization.

The Chairman. You do decline to furnish that information?

Mr. Marford. That is the answer that I want to make.

The Chairman. That is not an answer. The point in question has been asked you. You say that this bulletin, which is called The Reporter, which is prepared under the authority of the National Council—I understand you say that the bulletin that is very adequately prepared under the authority of the National Council of American-Soviet Friendship, called "The Reporter" is set broadcast to many people in this nation. Is that right?

Mr. Marford. Yes, subscribers.

The Chairman. How many?

Mr. Marford. I don't know.

The Chairman. A thousand?

Mr. Marford. I don't know.

649 The Chairman. You know how many of 919
them you print? How many are printed?

Mr. Marford. I don't know.

The Chairman. Have you got any idea?

Mr. Marford. It is in the thousands. That is all I know.

The Chairman. And they are sent to whosoever asks for them or that you desire to send them to?

Mr. Marford. That is correct.

The Chairman. Now, you say The Reporter is prepared by the committee of your organization known as the Publications Committee?

Mr. Marford. Yes, sir.

The Chairman. And that publications committee acts under the authority of the National Council of American-Soviet Friendship?

Mr. Marford. That is correct.

The Chairman. And notwithstanding the fact that it is your official publication, disseminated in your interest, as Executive Director of this organization——

Mr. Mundt (interposing). And I might add right there, under Form 3547 of the United States Post Office Department.

The Chairman. Under Form 3547 of the United States Post Office Department, thereby entitling you to reduced postage rates, and you now decline to furnish this committee with the names of that Publications Committee?

650 Mr. Marford. I have been trying to estab- 920
lish the thing—

The Chairman (interposing). You now decline to give that information?

Mr. Marford. I will ask counsel.

Mr. Mundt. All right.

(The witness retired from the hearing room for a short time.)

Mr. Adamson. We will resume now, and let the record show that the witness has returned after conference with his legal counsel, and has resumed the witness stand.

The Chairman. After you have had an opportunity to confer with your counsel I will ask you to please answer the question as to whether or not you decline to give the names of the Publications Committee?

Mr. Marford. Let me come back to this——

The Chairman (interposing). Just answer the question. The question was asked you and you said you desired to confer with your counsel, whether or not you would give us the names of this Publications Committee of your organization. Will you answer that question?

Mr. Marford. May I not insist upon an explanation of the basis of the answer.

Mr. Mundt. Answer the question first, then give your explanation. You can give all the explanation you want to.

Mr. Marford. All right, sir.

The Chairman. Will you answer the question?

651 Mr. Marford. Yes, I will answer the question. Your request is what, sir? 921

The Chairman: For the names of the Publications Committee, names and addresses.

Mr. Marford. I do not think that I can give you the names, sir, of the members of the Publications Committee.

The Chairman. You mean you don't know them, or you refuse to give them?

Mr. Marford. I do know them. I do not wish to give them.

The Chairman. You decline to give them?

Mr. Marford. I decline. This publication is a publication of the Council and will stand on its own merits. I think there is nothing in that statement that in any way can be construed as being un-American or subversive.

We are entitled to an opinion, and under our rights under the First Amendment, and on that basis then, unless you can make a judgment about that this is satisfactory in proving that to be un-American and subversive, then, if it is not false, beyond that it is not our responsibility to furnish further information. It does not make any difference who wrote that particular article or who the particular committee was that stands behind that article.

The Chairman. The question does not refer to any particular article. It refers to an established periodical that you certify you give out periodically.

652 Mr. Marford. As long as the opinions set forth in that periodical are not un-American or subversive, then they may not be questioned beyond that point, as to who wrote them, what particular editorial committee was in charge, or what particular director was on the job at the time of publication. 922

The Chairman: Are there any further questions?

• • • • • • • • •

653 **Opinion**

Indictments under U. S. Code, Title 2, sec. 192, for failure to produce documents subpoenaed by the House Committee on Un-American Activities; and for conspiracy to violate U. S. Code, Title 2, Sec. 192. On motions to dismiss indictments. Motions denied.

• • • • • • • • •

654 In January 1945 the House of Representatives of the United States, by House Resolution No. 5, 79th Congress, 1st Session, created a Committee known as the Committee on Un-American Activities, which was authorized to make investigations of "(1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guar-

anteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation."

The defendants Richard Marford, George Marshall and Helen Bryan, have been indicted under U. S. Code, Title 2, Sec. 192,[1] for failure to comply with subpoenas *duces tecum* issued by the Committee and directing them to produce certain records before the Committee.

655

The indictment against Richard Morford alleges that he was subpoenaed to produce "all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945."

The indictment against the defendant, George Marshall, alleges that he was subpoenaed to produce "all books, records, documents and correspondence pertaining to the National Federation for Constitutional Liberties relating to the solicitation and disbursement of funds with a list of contributors." This indictment also charges the defendant Marshall with refusal to answer questions as to whether he had any connection with an organization known as the Marshall Foundation.

The indictment against the defendant Helen R. Bryan alleges that she was subpoenaed to produce "all books, ledgers, records and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcom-

[1] U. S. Code, Title 2, Sec. 192, reads as follows:

"Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than 12 months."

mittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries for the period from January 1, 1945, to March 29, 1946."

The indictment against the defendants Edward K. Barsky and others consists of two counts. The first count avers that they were members of the Executive Board of the Joint Anti-Fascist Refugee Committee, and charges them with a conspiracy to defraud the United States
656 by encouraging the defendant Helen R. Bryan to refuse to produce records before the Committee; and further with a conspiracy to violate U. S. Code, Title 2, Sec. 192.

The second count of this indictment charges the defendants with the substantive offense of failure to comply with a subpoena directing them to produce "all books, ledgers, records and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or any subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries for the period from January 1, 1945, to March 29, 1946."

The defendants now move to dismiss the indictments for alleged failure to state an offense against the United States.

The principal contention advanced by the defendants is that the House Resolution under which the Committee acted, is invalid.

It is elementary that for use in connection with the exercise of its power to legislate and to appropriate funds, the Congress has the authority to secure information. Ordinarily legislation cannot be intelligently enacted without previously ascertaining facts from which conclusions can be drawn as to whether need for legislation exists and, if so, what form the legislation should assume. Similarly, detailed data are necessary in connection with the

appropriation of moneys. Historically the control of the purse is one of the basic and vital functions of the legislative branch of the Government. Whenever necessary or desirable the Congress may secure the requisite facts by study and research, or by procuring information from persons who volunteer it. The Congress, however, is not limited to these sources of knowledge. It has the right to compel the disclosure of factual material. At times this is the only method by which necessary data can be obtained. For this purpose, the Congress may issue subpoenas to require the attendance of witnesses and to exact the production of records and documents. When resort is had to this course, the customary practice is to delegate the duty to a Committee.

657

Manifestly, the sole purpose for which the Congress may carry on investigations and secure information is in connection with the exercise of its legislative function and with the appropration of moneys. It may not, for example, compel the divulgence of information for the purpose of ascertaining whether a crime has been committed as a basis for a criminal prosecution, since this is a matter for the judicary and for the prosecutng officers of the Government. On the other hand, if the same information is desired for use in connection with legislation, the Congress has a right to demand it. The information sought to be secured by a Congressional Committee must be germane to the legislative or the appropriating function.

In connection with the exercise of these powers, however, the Congress is not limited to securing information precisely and directly bearing on some proposed measure, the enactment of which is contemplated or considered. The collection of facts may cover a wide field. Obviously in order to act in an enlightened manner, it may be necessary and desirable for the Congress to become acquainted not only with the precise topic involved in prospective legislation, but also with all matters that may have an indirect bearing on the subject. For

658

example, in connection with the regulation of interstate commerce, it may conceivably become desirable for Congress to secure facts bearing solely on some aspects of intrastate commerce. Or, in enacting criminal legislation, it may first become desirable to investigate conditions in States and localities involving violations of local law. In connection with appropriating funds and determining what allotments of moneys should be made, it may become desirable to obtain information covering a wide range. While the power of the Congress to carry on investigations is not without limit, nevertheless, the Congress has broad discretion in determining the subject matter of the study and the scope and extent of the inquiry. If he subject under scrutiny may have any possible relevancy and materiality, no matter how remote, to some possible legislation, it is within the power of the Congress to investigate the matter. Moreover, the relevancy and the materiality of the subject matter must be presumed. The burden is on one who maintains the contrary to establish his contention. It would be intolerable if the judiciary were to intrude into the activities of the legislative branch of the Government, and virtually stop the progress of an investigation, which is intended to secure information that Congress deems necessary and desirable in the proper exercise of its functions, unless the lack of materiality and relevancy of the subject matter is clear and manifest.

The authorities unanimously and conclusively support the foregoing views. Thus, in *McGrain* v. *Daugherty*, 273 U. S. 135, 174-175, Mr. Justice Van Devanter discussed this question as follows:

659 "We are of the opinon that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified. . . .

"A legislative body cannot legislate wisely or effectively in the absence of information respecting the

conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that more requests for such informaton often are unavailing, and also that informaton which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed All this was true before and when the Constitution was framed and adopted. In that period the power of inquiry—with —enforcing process—was regarded and employed as a necessary and appropriate attribute of the power to legislate—indeed, was treated as inhering in it Thus there is ample warrant for thinking, as we do, that the constitutional provisions which commit the legislative function to the two houses are intended to include this attribute to the end that the function may be effectively exercised."

In the cited case the Supreme Court observed that it is not necessary for the Resolution directing the investigation to avow in express terms that it is intended to be in aid of legislation. If it appears that the matter to be investigated is relevant or material to some subject over which the Congress may legislate, or in respect to which it may appropriate funds, the power to conduct the investigation exists.

In the case of *In re Chapman*, 166 U. S. 661, 670, Mr. Chief Justice Fuller, observed that it was not necessary that the Resolution authorizing the investigation should declare in advance what the Congress "meditated doing when the investigation was concluded."

In *Barry* v. *United States ex rel Cunningham*, 279 U. S. 597, 619, Mr. Justice Sutherland stated:

660 "The presumption in favor of regularity, which applies to the proceedings of courts, cannot be denied to the proceedings of the Houses of Congress, when acting upon matters within their constitutional authority."

In *United States* v. *Norris*, 300 U. S. 564, 573, Mr. Justice Roberts stated:

> "That it is within the constitutional province of Congress to institute investigations and to compel evidence with a view to possible exercise of its legislative function . . . is settled."

In a recent case in this jurisdiction, *Townsend* v. *United States*, 68 App. D. C. 223, 226, Mr. Justice Justin Miller in commenting on an objection that the investigating Committee involved in that case never recommended any remedial legislation, made the following observation:

> "This is clearly beside the point. The act for which appellant was indicted occurred before the hearings of the committee were concluded. Its power to conduct a hearing for legislative purposes is not to be measured by recommendations for legislation or their absence."

That the subject of un-American and subversive activities is within the investigating power of the Congress is obvious. Conceivably, information in this field may aid the Congress in legislating concerning any one of many matters, such as correspondence with foreign governments (U. S. Code, Title 18, sec. 5); seditious conspiracy (*Id.* Sec. 6); prohibition of undermining the morale of the armed forces (*Id.* Sec. 9); suppression of advocacy of overthrow of the Government (*Id.* Sec. 19); the registration of organizations carrying on certain types of propaganda (*Id.* Secs. 14 and 15); qualifications for entering and remaining in Government service; the authorization of Governmental radio broadcasts to foreign
661 countries; and other innumerable topics. Similarly such information may be helpful in appropriating funds.

The argument is advanced by counsel that the Resolution is invalid because it relates to freedom of speech, in respect to which the Congress may not legislate. This contention is without merit. Freedom of speech is, in-

deed, one of the fundamental rights of every person in a democracy. It is guaranteed and safeguarded by the First Amendment to the Constitution of the United States and is one of the basic rights of every inhabitant of the United States. No one who has any conception of the meaning of democracy would tolerate any encroachment or inroad on freedom of speech. It is not to be lightly assumed, however, that the Congress will enact legislation repugnant to the Constitution. A presumption of validity attaches to every Act of Congress. The burden of proof is on the person attacking its constitutionality. *A fortiori*, the courts may not presume in advance that the Congress will transgress the Constitution. The courts are not the sole guardians of the Constitution. That duty is shared with the other branches of Government, who are under an equal obligation to observe the limitations of the fundamental instrument. It is not to be presumed that the Congress will ignore its duty. Moreover, the right of freedom of speech is, in itself, a qualified right. The First Amendment does not, for example, preclude the Congress from excluding obscene matter from the mails or from the channels of interstate commerce. It does not guarantee to any one the right to incite others to commit a crime. It does not preclude the Congress from punishing persons who advocate the overthrow of Government by force. It does not bar
662 the Congress from limiting certain activities of Government employees, although similar activities are within the rights of all other citizens. Other limitations on the right of freedom of speech will occur to every thinking person. In any event, information to be obtained by this investigation is not limited in its use to legislation in respect to freedom of speech, but as heretofore indicated, may be utilized in respect to legislation on other subjects.

It is urged further that the Resolution is unconstitutional because it is too indefinite, in that the words "un-

American" and "subversive" are not defined and do not have a precise and well-established meaning. In support of this contention, reliance is placed on the general proposition of law that a panel statute which does not provide an ascertainable standard of guilt is violative of the due process clause of the Fifth Amendment and is, therefore, invalid. This doctrine has been established by a line of cases of which *United States* v. *Cohen Grocery Co.*, 255 U. S. 81, is typical. These decisions, however, are directed solely to penal statutes and relate to the well-known rule of law that no one should be punished criminally for an act which at the time he committed it he was unable to ascertain would be considered a crime. This rule, however, does not apply to statutes of other types.

There is nothing to the contrary in the case of *Kraus & Bros.* v. *United States*, 327 U. S. 614, 620. That case involved the validity of a regulation issued by the Administrator of the Office of Price Administration, to which a criminal sanction was attached. The court held that the regulation was subject to the same test as a penal statute. This line of reasoning, however, does not apply to the Resolution involved in the instant case.

663 No doubt many an Act of Congress may be found in which general terminology is intentionally or unintentionally employed. This is true of the present Resolution. The Committee is directed to investigate un-American and subversive activities. The exact scope of an investigation cannot always be charted and bounded in advance with the prevision of a survey. In conducting a research, an inquiry, or an investigation, some discretion must be left to those to whom the task is entrusted, if the objective is to be attained. If we analyze the words "un-American" and "subversive" as used in the Resolution, there are some activties which everyone will agree are un-American and subversive, and there are others which everyone will place in the opposite group. Between the two extremes, no doubt, there will be some gradations in

respect to which persons may well differ. There may well be differences of opinion as to the exact application or meaning of these terms, or as to whether some particular activity falls in one class or the other. This circumstance does not deprive the Congress of the power to investigate un-American and subversive activities, and for the purposes of carrying out its duties to vest in the investigating Committee the discretion to make a preliminary determination as to what activities are comprized within these two terms.

It is argued, however, that a person who is directed to appear or produce documents before the Commttee may be at sea in endeavoring to determine whether the Committee is acting within its jurisdiction. It must be borne in mind, however, that the statute (U. S. Code, Title 2, Sec. 192) which punishes failure to comply with a
664 subpoena or to answer questions, is definite and makes a willful default a misdemeanor. A person who declines to comply with a direction of the Committee on the basis of a claim that the Resolution creating it is invalid, or that the Committee is exceeding its jurisdiction, acts at his peril. The provisons of an investigating Resolution are not drawn primarily for the benefit of a witness, but are framed for the guidance of the Committee. There are many situations in which a person assumes a risk in determining whether what he intends to do constitutes a crime. This is true, for example, in respect to violations of the anti-trust laws, because what constitutes an illegal restraint of trade is frequently a debatable matter.

In *Nash* v. *United States,* 229 U. S. 373, 377, Mr. Justice Holmes aptly remarked:

> ". . . the law is full of instances where a man's fate depends on his estimating rightly, that is, as the jury subsequently estimates it, some matter of degree. If his judgment is wrong, not only may he incur a fine or a short imprisonment, as here: he may incur the penalty of death."

In the light of the foregoing considerations, it is the conclusion of this Court that the House Resolution creating the Committee on Un-American Activities is valid.

It is further urged that the subpoenas as set forth in the indictments, are too broad and are, therefore, violative of the Fourth Amendment. Whether a subpoena is too broad cannot always be determined from the terms of the document, but is a mixed question of law and fact. Consequently, the question should not be determined on a motion to dismiss the indictment for insufficiency.

665 It may be observed that each of the subpoenas is limited to documents relating to a specific topic, or is restricted to specified periods, or both. Somewhat similar subpoenas were held valid in *Brown* v. *United States*, 276 U. S. 134, 138; and *Wheeler* v. *United States*, 226 U. S. 478, 483. Moreover, there may conceivably be a question as to whether under the circumstances of this case, the defendants are entitled to assert the privilege guaranteed by the Fourth Amendment, *United States* v. *White*, 322 U. S. 694, 704. These matters can be determined only at the trial on the facts.

Finally, in the case of *United States* v. *Edward K. Barsky et al*, it is urged that the first, or conspiracy count, of the indictment is insufficient in that it charges the defendants with a conspiracy to defraud the Government without, however, averring that the conspiracy was to be effectuated by deceit, craft, or trickery, or by means that are dishonest. Reliance is placed on *Hammerschmidt* v. *United States*, 265 U. S. 182, 188, in support of this objection. The first count of the indictment further charges, however, that the defendants conspired to commit an offense against the United States by violating U. S. Code, Title 2, Sec. 192. Since the allegation last mentioned sets forth a conspiracy that is subject to criminal prosecution, the first count of the indictment is sufficient. Consequently, it is not necessary to determine whether the additional allegations, that are assailed by the defendants, are sufficient if they stood alone.

Motion to dismiss indictments denied. Alternative motions for bills of particulars are also denied.

ALEXANDER HOLTZOFF,
Associate Justice.

May 21, 1947.

• • • • • • • • • •

Subpoenas

666 Cr. No. 366-47

To J. HARDIN PETERSON
Room 1226 New House Office Building
Washington 25, D. C.

You are hereby commanded to appear in the District Court of the United States for the District of Columbia at Criminal Court No. One, U. S. District Courthouse, Indiana Avenue between 4th and 5th Sts., N. W. in the city of Washington on the 24th day of February 1948 at 10:00 o'clock A. M. to testify in the case of the United States v. Richard Morford, Criminal No. 366-47.

This subpoena is issued on application of the defendant.

HARRY M. HULL,
Clerk.

By HELEN M. MCINTOSH,
Deputy Clerk.

• • • • • • • • • •

667 Received
Feb. 18, 3:51 P. M. '48
U. S. Marshal

RETURN ON SERVICE

Received this subpoena at Washington, D. C., on 2-18 and on 2-20-48 at Washington, D. C., I served it on the within named T. Hardin Peterson by delivering a copy to him personally protested service due to Congressional immunity.

W. BRUCE MATTHEWS.
By H. MCCAULEY.

• • • • • • • • • •

668 CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.
February 20, 1948

Please recite in your return that I protest against the service and please include the following statement in your return:

I object to the service of the witness subpoena and to the subpoena upon the ground that I am a member of the House of Representatives, 80th Congress, of the United States of America; that Congress is in session at the present time and will be in session on the day that the subpoena is returnable and that at the very hour of the return date of the subpoena a committee of the Congress of the United States, of which I am a member, is in session; that to respond to the summons would interfere with the duties as a representative in Congress; that under the Constitution I have no right to respond without the consent of the Congress and that the Congress has not consented to my responding to the subpoena; and that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities.

Respectfully,

J. HARDEN PETERSON,
Member of Congress,
District of Florida.

* * * * * * * * * *

669 Cr. No. 366-47

To John R. Murdock
Room 540 Old House Office Building
Washington 25, D. C.

You are hereby commanded to appear in the District Court of the United States for the District of Columbia at Criminal Court No. One, U. S. District Courthouse, In-

diana Avenue between 4th and 5th Sts., N. W., in the city of Washington on the 24th day of February 1948 at 10:00 o'clock A. M. to testify in the case of the United States v. Richard Morford, Criminal No. 366-47.

This subpoena is issued on application of the defendant.

HARRY M. HULL,
Clerk.
By HELEN M. McINTOSH,
Deputy Clerk.

* * * * * * * * * *

670 Received
Feb. 18, 3:51 P. M. '48
U. S. Marshal

RETURN ON SERVICE

Received this subpoena at Washington, D. C., on 2-18, and on 2-20-48, at Washington, D. C., I served it on the within named John R. Murdock by delivering a copy to him personally protested service due to congressional immunity.

W. BRUCE MATTHEWS.
By H. W. McCAULEY.

* * * * * * * * * *

671 CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.
February 20, 1948

Please recite in your return that I protest against the service and please include the following statement in your return:

I object to the service of the witness subpoena and to the subpoena upon the ground that I am a member of the House of Representatives, 80th Congress, of the United States of America; that Congress is in session at the present time and will be in session on the day that the subpoena is returnable and that at the very hour of the return date

of the subpoena a committee of the Congress of the United States, of which I am a member, is in session; that to respond to the summons would interfere with the duties as a representative in Congress; that under the Constitution I have no right to respond without the consent of the Congress and that the Congress has not consented to my responding to the subpoena; and that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities.

Respectfully,

JOHN R. MURDOCK,
Member of Congress,
At-large District of Arizona.

* * * * * * * * *

Subpoena Duces Tecum

676 The President of the United States to John Andrews, Clerk of the House of Representatives, P-42 United States Capitol, Washington, D. C.

You are hereby commanded to attend the said Court on Monday, the 15th day of March, 1948, at 10 o'clock A. M., to testify on behalf of the defendant, and bring with you the documentary material described in Schedule A attached hereto and made a part hereof consisting of 5 pages, which documents are in the files of the Committee on Un-American Activities, and not depart the Court without leave thereof.

Witness, The Honorable Chief Justice of said Court, the 10th day of March, A. D. 1948.

HARRY M. HULL,
Clerk.
By MARGARET L. BOSWELL,
Deputy Clerk.

CHARLES A. HORSKY,
Attorney for Richard Morford.

* * * * * * * * *

677 **Schedule A**

Annexed to Subpoena

1. Letter dated November 19, 1945, from Corliss Lamont to Ernie Adamson, Counsel.

2. Letter from Corliss Lamont to Ernie Adamson, Counsel, dated November 27, 1945.

3. Letter dated November 27, 1945, from Corliss Lamont to John S. Wood, Chairman of the House Committee on Un-American Activities, and similar letters of the same date to John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, the Members of the House Committee on Un-American Activities.

4. Letter dated December 6, 1945, from Corliss Lamont to John S. Wood, Chairman.

5. Letter dated December 9, 1945, from Corliss Lamont to John S. Wood, Chairman.

6. Letter dated December 9, 1945 from Corliss Lamont to John E. Rankin, Member of the House Committee on Un-American Activities, and similar letters of the same date to J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, the other Members of the Committee.

7. Copies of letter dated December 9, 1945, from Corliss Lamont to Sam Rayburn, Speaker of the House, sent to John S. Wood, Chairman, and John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, Members of the Committee.

8. Copy of letter dated December 14, 1945, from Ernie Adamson, Counsel, to Carl Dreher, Bald Hill Road, Wilton, Connecticut.

9. Copy of letter dated December 14, 1945, from Ernie Adamson, Counsel, to American Civil Liberties Union.

10. Copy of letter dated December 20, 1945, from Ernie

Adamson, Counsel, to Mr. and Mrs. Robert Lippin, 40 Monroe Street, New York, New York.

11. Letter dated January 10, 1946, from Corliss Lamont to John S. Wood, Chairman.

12. Copy of letter dated January 19, 1946, from Karl E. Mundt, Member of the Committee, to Mr. Norman W. Schur, Chairman, National Committee to Combat Anti-Semitism, 22 East 17th Street, New York, New York.

678 13. Letter dated February 8, 1946, from Corliss Lamont to John S. Wood, Chairman, and similar letters of the same date to John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, Members of the Committee.

14. Letter dated February 19, 1946, from Corliss Lamont to Karl E. Mundt, Member of the Committee.

15. Minutes of all meetings of the House Committee on Un-American Activities or any subcommittee thereof between January 3, 1945, and February 6, 1946, at which investigation of the National Council of American-Soviet Friendship, Inc., was considered, referred to, acted upon, or its propaganda activities were discussed, and transcripts of any testimony taken about or concerning the National Council of American-Soviet Friendship, Inc., during that period.

16. Transcript of the testimony of Corliss Lamont before the Committee on February 6, 1946.

17. All releases and statements issued by or on behalf of the House Committee on Un-American Activities, whether to the press or otherwise, between November 13, 1945, and August 3, 1946, which refer to or discuss the National Council of American-Soviet Friendship, Inc.

18. All publications and documents relating to the National Council of American-Soviet Friendship, Inc., submitted to the House Committee on Un-American Activities between January 1, 1946, and March 15, 1946, by Corliss Lamont and by Richard Morford, together with all state-

ments submitted to the Committee by said individuals, in connection with their appearances before said Committee.

19. Transcripts of Committee meetings or executive sessions after 11:15 A. M. March 7 to June 13, 1946, at which the Committee considered and/or acted upon the refusal of Richard Morford to produce documents and/or to answer any questions.

20. All card records and all compilations, and all documentary material upon which said records and compilations are based, concerning the National Council of American-Soviet Friendship, Inc., and Corliss Lamont and Richard Morford which the House Committee on Un-American Activities had in its possession on or before August 1, 1946.

21. Letter from Carl Dreher to Ernie Adamson of December 19, 1945.

22. Letter from Frederic G. Melcher, President, Publisher's Weegly, to John S. Wood of December 11, 1945.

679 23. Letter from John Rothschild to John S. Wood or the Committee of December 17, 1945.

24. Minutes and transcripts of hearings of the Committee at which Corliss Lamont appeared and concerning the National Council of American-Soviet Friendship held on January 23, 1946, and January 24, 1946, A. M.

25. Minutes and transcript of meeting and executive session of Committee on February 6, 1946.

26. Minutes and transcripts of Committee meetings or executive sessions between November 27, 1945, and December 3, 1945, relating to the National Council of American-Soviet Friendship, Inc., including but not limited to, action of the Committee directing or instructing the Chairman to request access to the books and records of said Council.

27. Report of an investigator of the Committee referred to by Congressman Thomas during Congressional debate on June 26, 1946, appearing at 92 Cong. Rec. 7721 (June 26, 1946), which report contained references to Corliss Lamont.

28. The evidence referred to by Congressman Rankin during Congressional debate on June 26, 1946, appearing at 92 Cong. Rec. 7728 (June 26, 1946), which allegedly establishes an alliance between the National Council of American-Soviet Friendship, Inc., and the traitor who tried in the United States and Canada to steal the secrets of the atomic bomb.

29. Letter from Norman W. Schur to Karl E. Mundt and/or other Members of the Committee dated January 7, 1946.

30. Committee Resolution adopted on or before May 28, 1946, directing the compilation of material entitled "Citations by Official Federal Government or State or Municipal Agencies or Reliable Private Organizations Regarding the Character of the Organization Named", which compilation has been published under date of May 29, 1946.

31. Letter dated December 12, 1945, from Arthur Garfield Hays and Roger Baldwin to John S. Wood, Chairman.

32. Copy of letter dated December 27, 1945, from Ernie Adamson, Counsel, to National Committee to Combat Anti-Semitism, Room 601, 22 East 17th Street, New York, New York, together with copy of petition by said National Committee, referred to in said letter.

680 33. Copy of letter dated March 22, 1946, from Ernie Adamson, Counsel, to Mr. Stanley B. Moss, % Moss and Arnold, 7 East 44th Street, New York, New York, together with copy of New York Times advertisement referred to therein.

34. Copy of letter dated between February and August, 1946, from John S. Wood, Chairman, to all members of Congress enclosing copy of report of Committee on Un-American Activities and summarizing its work and policy.

35. Letter from Clyde Doyle, Representative from California, to Ernie Adamson, Counsel, dated July 17, 1946.

36. Copy of letter dated July 18, 1946, from Ernie Adamson, Counsel, to Clyde Doyle, Representative from California.

37. Copies of letter sent by Karl E. Mundt, Member of the Committee, to Governor Thomas L. Bailey (Mississippi) and approximately 99 others on or about January 20, 1945, relating to a "suitable and working criterion to determine what does and what does not comprise an un-American activity", together with the "data sheet" mailed therewith and all replies received thereto, and all further correspondence with the same individuals in connection therewith and such additional correspondence received from other individuals and/or organizations pertaining to the establishment of the "working criterion" above set forth as to the definition of the terms "un-American" and/or "subversive".

38. Copies of all letters sent by or on behalf of the Committee or by any members thereof to The Brookings Institution between January 3, 1945, and April 15, 1945, relating to a working criterion for determining what constitutes un-American propaganda or activity, or relating to standards for determining what constitutes un-American activities, or relating to the definition of the terms "un-American" or "subversive", or relating to an analysis of letters received purporting to define un-American activities or propaganda; together with all letters received from the Brookings Institution in connection therewith.

39. The Report or memorandum submitted to the Committee by The Brookings Institution between January 3, 1945, and April 15, 1945, relating to or entitled "Suggested Standards for Determining Un-American Activities", and other data and material submitted in connection therewith.

681 40. Memorandum of six paragraphs sent to the Committee or to Karl E. Mundt, Committee Member, by the American Civil Liberties Union during February, 1945, relating to un-American activities, and letter accompanying same.

41. Stenographic transcript of all meetings of the House Committee on Un-American Activities or any subcommit-

tee of the same from January 3, 1945, to February 6, 1946, at which the definition or content of the phrase "un-American or subversive propaganda activities" was considered, discussed or acted upon.

42. All releases and statements issued by or on behalf of the House Committee on Un-American Activities between January 3, 1945, and January 4, 1947, whether to the press or otherwise which refer to or comment upon the investigation of organizations, groups, or individuals who are engaged in issuing propaganda or in influencing or attempting to influence public opinion.

43. Press release on or about June 22, 1945, by the House Committee on Un-American Activities or its Chairman dealing with the definition by said Committee of the words "un-American" and/or "subversive".

44. Each and every item listed under the column "publication" in connection with the Committee record of Clifford (T) M'Avoy as contained in Extension of Remarks of Honorable Hadwen C. Fuller, dated August 2, 1946, appearing at 92 Cong. Rec. A5230 (August 12, 1946).

45. Each and every item listed under the column "source" in connection with the Committee record of Corliss Lamont as put into the Record during Congressional debate by Representative J. Parnell Thomas on June 26, 1946, appearing at 92 Cong. Rec. 7722 (June 26, 1946).

46. Each and every item of source material in connection with the Committee record of Clyde R. Miller as contained in the speech of Hon. J. Parnell Thomas, dated February 19, 1946, appearing at 92 Cong. Rec. A888 (February 19, 1946).

47. Each and every item listed under the column "source" in connection with the Committee record of Michael J. Quill as contained in the Extension of Remarks of the Hon. J. Jarnell Thomas, dated February 27, 1946, appearing at 92 Cong. Rec. A1065 (February 27, 1946).

48. Each and every item of source material in connection with the Committee record of Margaret Webster and Edwin

S. Smith as contained in the report of Louis J. Russell, investigator entitled "Comprehensive Report Concerning Publications Issued by the National Council of American-Soviet Friendship, Inc." under the headings "The American Theatre" and "Pamphlet Entitled 'Organized Labor in the Soviet Union' ", respectively, together with the Committee record on Frederic March referred to under the heading "American Theatre" in said report and the supporting items of source material in possession of the Committee; said report was made part of the Committee Record on March 6, 1946 beginning at page 926A.

• • • • • • • • • •

678 Filed Mar. 12, 1948

Motion by the Defendant to Postpone Date of Trial

Comes now the defendant and moves the Court to postpone the trial of the above-named case from Monday, March 15, 1948 to such time as may follow by a period of not more than one week the date of adjournment of the present session of Congress, and for reasons states the following:

Defendant has issued subpoenas in this case to the following named Members of Congress as defense witnesses:

Congressman Hart of New Jersey
Congressman Wood of Georgia
Congressman Peterson of Florida
Congressman Bonner of North Carolina
Congressman Murdock of Arizona
Congressman Landis of Indiana
Congressman Mundt of South Dakota
Congressman Thomas of New Jersey
Congressman Rankin of Mississippi.

These witnesses are vital in order to enable defendant adequately to present his defense and to avoid a serious miscarriage of justice.

• • • • • • • • • •

675 "that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities."

Respectfully submitted,

CHARLES A. HORSKY,
WILBUR LESTER,
ABRAHAM J. ISSERMAN,
Counsel for the Defendant.

• • • • • • • • • •

II.

EXCERPTS FROM TESTIMONY AND PROCEEDINGS.

Proceedings.

The Deputy Clerk: The case of Richard Morford.

• • • • • • • • • •

Motion to Postpone Trial

Mr. Horsky: There is a motion I have handed Mr. Murray privately, and which is in the file.

• • • • • • • • • •

To continue this case until after Congress has adjourned. The basis for the motion is set out in it.

• • • • • • • • • •

3 Mr. Horsky: • • •

Moreover, I have been engaged in a continuous struggle for the last month and a half to try and obtain the documents which we need for our defense.

4 I have served subpoenas on the chairman of the committee, on the clerk of the committee, and finally on the Clerk of the House.

I have been in negotiation with Chairman Michener of the House Judiciary Committee, in an attempt to obtain a resolution of the House which would permit equal access to the files of the House committee by both the prosecu-

tion and defense for relevant materials in this case. The House has not yet acted, although I have had several conversations with Chairman Michener about it. Whether they will act or not, I, of course, have no way of knowing. Whether, if they act, they will act in favor of releasing the documents, I have no way of knowing.

It was presented to the House for its action in the case of Mr. Marshall about 10 days ago, and my conversations with Mr. Michener at that time related to the possibility of a resolution by the House which would cover both of these cases, avoid duplication of trouble in the House.

However, when no resolution was forthcoming, I served a new subpoena in this case on the Clerk of the House, which, by the rules, would necessarily be reported to the Speaker.

The House has not been in session since that time, and Mr. Andrews, who is here in court this morning pursuant to the subpoena, has informed me it will be presented to the House this morning.

As it stands now, the defendants have not been able to get, and have been assured by the United States Attorney that they will not have, absent House permission, a single document from any source, from any of the files of the House Committee on Un-American activities.

For those reasons, partly because Congressmen apparently will not show up during this trial while Congress is in session, and partly because the House has not yet acted to make available to us any of the documents, we are necessarily precluded from defendant's defense here by way of documentary proof, or by way of oral testimony, and I think to require us to proceed under those circumstances would require us to proceed without possibly getting justice.

The Court: You are not ready, then, for trial, is that it?

Mr. Horsky: With what I have said, I don't see how I can be.

Mr. Murray: If the Court please, I think a brief statement of the case is relevant to this discussion, because it will be material to the merits of the motion, what it is that the defense claims it lacks by reason of the failure to obtain the witnesses and the documents referred to.

* * * * * * * * * * *

6 Mr. Murray: The charges are two. The first count charges that the defendant, Richard Morford, was summoned by the Committee on Un-American Activities of the House of Representatives to produce before it records of the organization of which he was Executive Director, known as the National Council of American-Soviet Friendship, which records were upon the matter under inquiry before that committee, that is, were pertinent
7 to the investigation of that committee, and that he appeared and did not produce those records.

The second count charges that on the same appearance he was asked the pertinent question who were the members of the Publications Committee of that organization which published a paper known as The Reporter, which was of interest to the committee in its investigation, and he refused to answer that pertinent question.

Those are the charges the Government expects to prove. The Government expects to produce the chairman of the Committee on Un-American Activities, that is, the chairman at the time, Congressman John S. Wood of Georgia, who conducted the hearing, and who was presiding as chairman when Mr. Morford appeared before the committee.

We expect to show that the records called for were pertinent, and that the question asked was pertinent, on the basis of what? On the basis of information which the committee had received, which we will contend justified it in believing, as it did believe, that this organization might be engaged in subversive propaganda activities, and was therefore a proper subject for the investigation of the House committee.

The information by which they were persuaded, and on which they formed that belief was obtained, we will show, from an organization, a public organization in New York City, which is supported by the Community Chest, and which gives information about fund-collecting organizations as a public service to those who subscribe to that organization, which is known as the Information Bureau.

The House committee got from that Information Bureau a statement regarding this organization, in which it was pointed out that it was a corporation, and that one of its stated purposes was, and we have here named—one of the stated purposes of this organization was to take specific action against anti-Soviet propaganda which tends to disrupt the United Nations, or some such expression.

The name of the organization, this stated purpose, and this other information which I am about to state, were the bases for the belief, we expect to show, and the reasonableness of it, which the committee had, and on which they had a legal right to issue the subpoena, and many justices in this court have previously ruled that an honest and reasonable belief on the part of the committee—of an investigating committee—will justify it in moving against or moving into the affairs of a particular organization, and on this belief that this organization's activities bring it within the proper scope of the committee's investigation.

In addition to what I have stated, the name of the organization, and its stated purposes, to take specific action against anti-Soviet propaganda, we expect to show, if anything, in addition, only different publications which this organization itself turned over to the committee as an example of what the organization contended was its non-subversive propaganda activities.

We expect to show from excerpts from those publications, if they are produced, that the publications themselves strengthened the belief and made its reasonableness more apparent that this organization was publicly engaged in

pro-Soviet, and, therefore, subversive propaganda activities.

Now, that is the basis for our show of pertinency: First, information from an organization in New York that would give it to anybody that would pay for it. Secondly, the publications which this organization itself turned over.

* * * * * * * * * * *

10 The defendant wanted this committee to dump its entire file having the slightest reference, direct or collateral, to this organization or to any individuals connected with it, to dump that entire file into the court room.

Some of that documentary evidence the defense sought in that subpoena was plainly irrelevant, as was argued before.

* * * * * * * * * * *

* * * I think before they should be permitted to postpone this trial, which is now two years since the happening, and one year since the indictment, before that be done, I

11 think they ought to show clearly what they expect to show in defense of the case I have outlined of the Government, what they expect to show by the production of these witnesses and evidence which couldn't be shown now.

They certainly have their own publications, and they certainly know what their charter stated the purposes of their organization were, and it is on that basis we rely for a proof of pertinency.

* * * * * * * * * * *

12 Mr. Horsky: * * *

If, as Mr. Murray has not contradicted, we have no access to the records of the committee of any sort, we will attempt by secondary evidence as best we can to prove the correspondence with these men—by these men

13 with this organization. We would, of course, like to have them here to identify their own correspondence.

Secondly, we have things which these gentlemen have written or published about the issue which is critical in this

case, the nature of the committee's activities, and the nature of this organization, not necessarily communications to the organization, but communications about the organization.

* * * * * * * * * *

14 Mr. Horsky: Much of it we submitted to the committee and can't get it back. We submitted to the committee in response to this subpoena a great deal of information; we have not been able to recover a bit of it for purposes of analysis at the trial or for purposes of checking what the committee has got or hasn't got.

The Court: Like what?

Mr. Horsky: We submitted a stack of material this high (indicating), material which we contended was not un-American and subversive, all the propaganda material we had ever issued, a complete set. So far as I know, that is the only complete set there is, or practically so, and we have not been able to get that back from the committee to analyze it for your Honor to show you it is not subversive and un-American, as Mr. Murray says it is. We have no access to it. Mr. Murray says he will pull out excerpts. We haven't the material, can't get it from the committee, to show you it is misconstrued, or that he is pulling out excerpts which are perhaps miscopied, or anything else. We haven't got that material.

15 On the record Mr. Murray has himself said he is going to use records of the committee, he is going to use some New York organization's information, he is going to use the materials which this organization submitted to the committee, he is apparently going to use the documents which the committee thinks show that it had some ground to believe this organization was engaged in subversive and un-American propaganda.

He is not going to permit us an iota of evidence to controvert that, to show what the committee has that negatives that, that must have convinced them it was not engaged in subversive and un-American propaganda. That is one of the issues in this case, and we can't possibly submit to go

to trial with just what Mr. Murray wants to put in the record out of this committee's files.

* * * * * * * * * * *

17 * * * We haven't even got a complete transcript of what happened when this man testified. We have been refused it upon subpoenas. The subpoenas have been honored not even to that extent.

* * * * * * * * * * *

18 * * * We have three issues upon which we are in sharp conflict with the Government, issues of fact, on which we intend to base Constitutional arguments. We have urged before Justice Holtzoff in this case that there is in this resolution when combined with the statutes under which this defendant is prosecuted no sufficient standard of guilt to warrant a conviction.

The basis for that, without going into all of the authorities and the reason, is that the resolution requires as a key word throughout that the committee investigate un-American propaganda.

The Court: That doesn't involve this matter of a continuance, does it?

Mr. Horsky: Yes, sir. I will explain why in just one or two minutes.

The statute requires the witness answer only pertinent questions. The witness must, therefore, decide what pertinent is, based on the resolution, and as un-American has no meaning which anyone can ascribe to it, we contend he is denied due process under the Cohen case and others which require a standard of guilt.

Now, before Justice Holtzoff we argued that question based on judicial notice as we were limited to it.

We will try here to prove not only what we can show you by way of judicial notice, but by the proof from the committee's own words, their own activities, that it, itself,

19 has no standard of what is un-American.

It has no definition, and this defendant not only could not have found the definition by looking for it in what

was known and public, even if he had had the committee's activities, and had known what they mean, he wouldn't have been able to define un-American, and, hence, make a decision as to whether the question asked him was pertinent or not.

It is clear, of course, your Honor, if the question is not pertinent, he may stand without any crime. The committee is empowered, or, rather, the statute makes out a crime only on a failure to answer a pertinent question.

* * * * * * * * * * *

Mr. Horsky: The next issue arises out of a question of constitutionality which we propose to urge before your Honor, and which I know was not raised in the Barsky case, because we propose to show that, as is apparent from the subpoena here, and the question, that this subpoena was issued, and that this question was asked solely to obtain names of members of the organization and of the members of the Publications Committee to add to a black list of organizations and members which this committee illegally and unconstitutionally, and in violation and in excess of its authority maintains.

We are prepared to show, as a matter of fact, the committee beyond any matter of investigating was engaging in a wholly non-investigating, wholly unauthorized activity of preparing this black list. It was prepared without notice, without investigation, without standards, without opportunity to be heard.

It is made as a matter of routine, and assumes guilt by association, as a matter of course, it is secret, except as we will show the committee makes it available to Congressmen, in occasional reports to Government agencies, to private employers and public officials, and occasionally to the general public by way of releases to the press or in privileged speeches on the floor of the House.

We are prepared to show this black list is used, and, in fact, its principal purpose, if not its sole purpose, is to hamper and restrict the work of organizations and individuals with whom the committee disagrees, and

destroy reputations, and also to harm their livelihood in either public or private employment.

We are prepared to show this is not theoretical for this defendant, because this committee, even before calling for the names from this witness, and even before calling for the records of this organization, had placed the National Council on its black list, that it had used that to attack the National Council, persons connected with it, and, in turn, other organizations with which persons connected with the National Council were connected.

And we will show inevitably the matter would have gone to swell the committee's acknowledged million names by a few more.

We will show this concept of guilt by association dominates the committee's attitude, its investigations, and its black list.

All of this we are prepared to show, and to a very considerable extent from the witnesses who are not here, and from the documents we have not been able to obtain by subpoena.

* * * * * * * * * *

24 There is a fourth issue of fact which is somewhat related to the third issue, upon which we are also prepared to prove facts which require both these witnesses and some of the documents which we have subpoenaed.

25 We are prepared to show and will show through the witnesses and the documents that the committee is not only engaged in the compilation of this black list, but but that it is setting itself up as a censor over all forms of speech and assembly, which a majority of its members as a committee happen to oppose.

We are prepared to show that this committee is not considering legislation and doesn't devote itself to legislating, but concerns itself as an administrative agency within the legislative branch criticizing and driving out of public life, depriving of public support, people it doesn't agree with.

We are prepared to show this committee has boasted of this fact, its power to drive radio commentators off the air, out of their jobs, drive movie people to drop a movie, to deprive organizations of financial support.

We are prepared to show through these witnesses and through these documents we have thus far been unable to get, that the committee has set itself up to eradicate what it calls undesirables, and they include people who speak with a foreign accent, and all sorts of people who have nothing at all against them except the committee doesn't like them.

We are prepared to show this is its principal purpose—

Mr. Murray: (Interposing) Your Honor, I am sorry, I don't like to interrupt this argument, but if I may be permitted at this time to do so, I should like to comment—

Mr. Horsky: (Interposing) You asked me to
26 make a statement of my purpose.

Mr. Murray: I understand the Court was asking for facts, not generalities.

Mr. Horsky: These are facts.

Mr. Murray: If I said I would prove these records are pertinent and sat down, I would be doing exactly what Mr. Horsky is doing now. I said not only would we prove the records are pertinent, but I detailed the evidence by which we would prove it. I called upon Mr. Horsky, and I understand the Court is interested to have pointed out what facts, what correspondence, what does it say, what facts are you going to show to dispute the Government's evidence of pertinence.

I didn't intend to answer the argument at this time. This is an interruption. I will make it brief. Every argument that Mr. Horsky has stated so far was argued in extenso by other counsel in another case, and that case is on appeal now, and it is on appeal because of adverse rulings to these contentions, and the Josephson case passed on in the Second Circuit, in which certiorari was denied, disposes, in my opinion, of many of the points Mr. Horsky is stating. These

same things were urged and urged very violently in the Barsky case, that the committee was attempting to form a black list, and for that reason the Joint Anti-Fascist
27 Committee would not submit its records of expenditures and lists to the Committee on Un-American Activities, but the fact is if they had done so when they were called upon to do so, and if that list of expenditures had been a correct list, it would have shown that that organization had Gerhart Eisler on its payroll, so the committee is not always barking up the wrong tree, and it is not to be presumed to be engaged in forming a black list, but in forming—in obtaining and taking action upon a red list of those whom it has a right to investigate.

I am sorry, I did not intend to get into a whole argument, but I do believe the entire argument Mr. Horsky has made so far is subject to the criticism it goes into generalities, where the Government's argument has answered what it is going to prove, and how it is going to prove it.

• • • • • • • • • • •

44 Mr. Isserman: • • •

And I would like to say a word about the question of documents. Many questions would be obviated if we had certain documents which we think are indispensable; the resolution of the committee on the definition of un-Americanism, for instance, and at this moment the request for documents, following the rules of the House, is in possession of Mr. Andrews, who told us this morning that he was presenting it to the Speaker, and from what we have learned about procedure, including what Mr. Horsky has obtained, we understand it is the practice of the Speaker to present the subpoena request to the House as transmitted to the Speaker by the Clerk. Now, that request will be before the House today. We do not know that the House will act upon it today. We do not know that the House will act upon it at all. We do know that a similar request was filed in the case of George Marshall some ten days ago and is awaiting action, but we have expectation, and our expectation is

based only on the equity of the matter and statements made in connection with the testimony of witnesses, we expect that Congress could say that the files of the committee shall be available to both sides to the extent that to the Court seems relevant. It seems to us to be a reasonable request, and one that is highly appropriate.

45 Now, this case cannot be tried without documents that the committee has. Mr. Murray will get all the documents he needs, we take it, and we feel that we should also have the documents, and until the House acts, or fails to act, we think that this matter should be held by Your Honor to abide that result.

* * * * * * * * * *

50 Mr. Murray: * * *

Although the Government has the right to choose by what evidence it will prove its case, the defense has the right to cross examine the witnesses produced and to call for a full production of documentary evidence, a part of which only may be submitted.

If we bring down here a little statement of a publication, as Mr. Horsky was saying I was going to do, and then have all the witnesses read one statement out of the whole publication and say that the committee read that statement and considered it was subversive propaganda then, of

51 course, on cross examination that witness could be asked other things about that statement, and if the statement was in documentary form, as some of them are, the documents ought to be available to the defendant to cross examine the witness on, and called to the Court's attention for the purpose of showing that that particular statement has been taken out of its context by the committee and, therefore, has been misinterpreted. If we attempt to show a part of the document the whole should come in, and if not, it should be stricken, but to say that examination of the material is shown on which the committee found its conclusion to issue this subpoena requires the committee to dump its entire files over to the defense is quite a different

thing, and that is why I stated with particularity, and I repeat it was with particularity, what the Government is to rely on to prove pertinency in this case, the statement of the organization within its corporate charter, plus possible publications, and I mean all of them contained within this statement which the committee believed to be subversive, and which we will argue to the Court on reading of them, that they were subversive statements like this, for instance, that even on questions of procedure the Soviet Government has been in a much better position than the United States Government. Now, the committee thought that that was subversive. It may be that if five other pages of that Reporter are read some of the sting may go out of
52 that, but proceeding in the initial stage it was an issue of suspicion, and I would argue upon that point alone that the committee had a right to call for the records of this organization showing where it got its money, and who it was giving it to, and for what purposes.

* * * * * * * * * * *

53 Mr. Horsky: * * *

One further fact; I understand from what Mr. Murray said that there is no congressional privilege of these documents. He has documents apparently
54 which we could not get because I have searched the record and if there is no congressional privilege perhaps Your Honor can resolve the problem by ruling that those records can be brought here.

The Court: The only thing before me is a motion to postpone the trial of this case.

Mr. Horsky: One of the reasons to postpone, as stated in the motion, is that the documents are not available. If Your Honor makes them available that drops out.

The Court: Are you finished on the motion?

Mr. Horsky: I think so.

The Court: The motion to postpone is denied.

* * * * * * * * * * *

Motion to Dismiss Indictment

56 Mr. Horsky: I should like at this time to renew the motions which were made shortly after the indictment was handed up, and which we argued before Justice Holtzoff and on which he wrote an opinion.

The Court: Has a Judge of this Court already ruled on what you are going to present to me?

Mr. Horsky: In part, yes, and in part, no. I cannot answer it more specifically than that. In the two motions which were argued before Justice Holtzoff, on one of them he specifically reserved it for Your Honor, and that was the motion to dismiss Count 1 because it was based upon an invalid subpoena. His opinion said that was a matter for the Trial Court and could not be determined then.

The Court: He meant during the trial?

Mr. Horsky: He said—

The Court (interposing): Has he ruled on it?

Mr. Horsky: He said it will require evidence and I would like to reserve making that motion. We think we would have to have evidence, and then make it to Your Honor.

The Court: Very well.

Mr. Horsky: And the second motion which he did rule upon—

57 The Court (interposing): Which he did or did not?

Mr. Horsky: Did.

The Court: Well, I do not want to hear that if he ruled on it.

What is the third one?

Mr. Horsky: I want to explain about that motion he ruled upon. We want to present evidence on that and make a full record on the facts and I would like to reserve that motion until the evidence is in.

The Court: Very well.

Mr. Horsky: And the other motion, a second motion was, and I can describe it as a motion to dismiss the entire indictment on the ground that Resolution 5 of the Seventy-

ninth Congress does not provide the ascertainable standard of guilt required by the Fifth and Sixth Amendments to the Constitution.

The Court: This matter has been presented to a member of this Court and he has already ruled on it, and that is sufficient.

Mr. Horsky: I would like to state it for the purpose of the record so it will indicate the grounds.

I move that the indictment be dismissed as fatally vague, uncertain, and indefinite in that:

A. The first count does not show that the documents alleged summoned or subpoenaed were material to the matter under inquiry, nor does it set forth the facts upon
58 which such materiality is based. The second count shows neither the precise question allegedly asked nor the precise manner in which the defendant alleged refused to answer.

B. The indictment does not state an offense against the United States in that the scope of investigation committed to the House Committee on Un-American Activities by House Resolution 5 of the Seventy-ninth Congress is not judicially ascertainable, and the pertinency of any question or document is not determinable by the Court.

C. The indictment does not state an offense against the United States in that the scope of the investigation committed by the Seventy-ninth Congress to the Committee on Un-American Activities in House Resolution 5 is indefinable and so indefinite and sweeping that the attempts of the Committee on Un-American Activities to compel the defendant under the threat of criminal prosecution to produce the documents referred to in the first count of the indictment and to answer the question referred to in the second count of the same, are beyond the constitutional powers of Congress.

• • • • • • • • • • •

59 I have one additional motion which is based upon that which became available through that bill of par-

ticulars. I wish to make that motion and argue it to you. This argument goes only to Count 2 of the indictment.

The bill of particulars was filed by the United States in two steps, the first bill of particulars stating an answer to some questions, and then ten days later or thereabouts, a supplemental bill of particulars, which contains some of the questions and answers referred to in the indictment, and upon which it is alleged that the defendant committed this crime.

Exhibit B of the bill of particulars, or the supplemental bill of particulars, relates to the questions and answers asked this defendant with respect to the publication committee upon which Count 2 is based.

This bill of particulars reads this way, with Mr. Adamson, who is the counsel of the committee, not one of the members, discussing a publication of the National Council known as the Reporter, and he called to the defendant's attention to a statement in the issue of October 15, 1945, and this is at page 1 of the supplemental bill of particulars, and he called attention to a particular statement in that bulletin or that Reporter, which said, and it is quoted: "The Soviet case"—I should read the full question.

"On October 15, 1945, in discussing the procedural
60 discussions at meetings between the three great powers, that is, Great Britain, United States and Russia, your bulletin goes on to say: 'The Soviet case, even on the issue of procedure, stands out far better than the position of the United States.' "

Then there is considerable colloquy between Mr. Adamson and the defendant, and on page 3 of the supplemental bill of particulars, the defendant states that this is written by a publication committee.

Mr. Adamson thereupon asks, still on page 3: "Who is the committee?"

This is the question upon which the defendant is being prosecuted for failure to answer, and that forms the basis of Count 2 of the indictment, and on the basis of this bill

of particulars which I now, as I take it before the Court as if they were in the indictment itself, I think Count 2 should be dismissed on its face as indicating that the basis for the question or the question itself was not pertinent to any question properly before this committee.

* * * * * * * * * * *

69 The Court: I will deny the motion.

Motion to Exclude Government Workers From Jury

Mr. Horsky: Before the jury is called, may I request you to exclude Government workers from it under the circumstances of this case?

The Court: That is denied.

Mr. Horsky: Would you care to hear any argument on it at all? May I have an exception to that ruling?

The Court: Yes. You may exercise challenges you deem proper.

Mr. Horsky: The jury list indicates I cannot exclude all Government workers with three challenges.

The Court: Very well.

Mr. Horsky: Is my position adequately protected on the grounds of my request? Is my position sufficiently protected on the record?

The Court: The record shows you requested it
70 and it has been denied.

Mr. Horsky: Aren't you interested in the grounds upon which it is made?

The Court: Call the jury panel.

(Thereupon the jury panel returned into the courtroom.)

(Thereupon the jury was sworn on voir dire examination.)

Mr. Isserman: We have some questions we would like to submit. One section in the latter portion deals exclusively with jurors in Government work (handing a paper writing to the Court.)

110-A **Questions for the Jury Panel**

1. Does any member of the panel know Mr. Murray, Assistant District Attorney, who is assigned to prosecute this case, or anyone else in the District Attorney's Office?

2. Has any member of the panel formed any opinion as to the guilt or innocence of the defendant?

3. Does any member of the panel know any Congressmen who are now or who have been members of the House Committee on Un-American Activities?

110-B 4. Does any member of the panel know any employee or member of the staff of the House Committee on Un-American Activities?

5. Does any member of the panel know any person who works or has worked as an investigator or undercover man for the House Committee on Un-American Activities?

6. Has any member of the panel testified before or given information to the House Committee on Un-American Activities?

7. Does any member of the panel know any person who has testified before or given information to the House Committee on Un-American Activities?

8. Has any member of the panel read transcripts of hearings or reports of the House Committee on Un-American Activities?

9. Is any member of the panel or any member of his family friendly with, related to or associated with any person who is now or ever has been associated with the Federal Bureau of Investigation?

10. Does any member of this panel know any employee of this court?

11. This case involves an officer of the National Council of American-Soviet Friendship, Inc., (the purpose of which is to promote friendship between the U.S.A. and the U.S.S.R.), on a charge of contempt of the House Committee on Un-American Activities. In the light of these

110-C facts, do you believe that if you were selected as a

juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in your employment?

12. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in your business realtionships?

13. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in any political or any other organization of which you are a member?

14. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you among your family, friends or acquaintances?

15. Is any member of the panel engaged in business, a profession or trade concerned with Government employees to any substantial extent, whether patrons, clientele or customers?

16. Is any member of the panel an employee of the Government?

17. Is any member of the panel an applicant for a 110-D position with the Government?

18. Is any member of the immediate family of any member of this panel a Government employee or an applicant for a Government position?

19. Is any member of the panel or a member of his immediate family associated with, or has any member been associated with, any agency, either public or private, engaged in detection of law violations?

20. Is any member of the panel or a member of his immediate family associated with any person who is now associated with any agency of law enforcement?

21. Are any members of the panel or members of their immediate family receiving pensions or other benefits from the Government or any of its agencies?

22. Does any reason suggest itself to any one of you why you should not sit as jurors in this case and render a fair and impartial verdict solely on the evidence and under the instructions as to the law given by the Court?

23. Have you heard or read anything about this case?

24. Is any member of the panel or a member of his immediate family a present or former member of any of the following organizations?

Americans for Democratic Action

. . . . . .

110-E National Economic Council
Small Businessmen's Association
Christian Front
America First Committee
National Committee to Keep Out of Foreign Wars
Constitutional Educational League
We The Mothers
Coalition of Patriotic Societies
Ku Klux Klan
American Anti-Communist Association
Knights of Columbus
American Legion
Columbians, Inc.

25. Is there any member of the panel, or member of his immediate family, a member of or affiliated with any organization, society, lodge or fraternity which by resolution or otherwise has taken a position opposing cooperation or friendship between the United States and the Soviet Union?

26. Is there any member of the panel, or member of his immediate family, a member of or affiliated with any organization, society, lodge or fraternity which by resolution or otherwise has denounced the Soviet Union or its policies?

27. Is any member of the panel opposed to cooperation or

friendship between the United States and the Soviet Union?

28. Has any member of the panel denounced or
110-F approved of the denunciation of the Soviet Union?

29. Has any member of the panel read any of the following papers or periodicals: The New Leader, The Militant, The Tablet, The Cross and Flag, The Crusader, The New York Enquirer, The New York World Telegram, The Washington Times-Herald?

30. Has any member of the panel listened to the radio broadcasts of Henry F. Taylor, or Fulton Lewis, Jr.?

31. Has any member of the panel read or discussed any matters either in the newspapers or in any books or Government publications relating to the National Council of American-Soviet Friendship, Inc.?

32. Would your judgment of the defendant's guilt or innocence be affected by the fact that the defendant has criticized the House Committee on Un-American Activities?

33. Would your judgment of the defendant's guilt or innocence be affected by the fact that the proceedings against the defendant which resulted in this trial were initiated by the House Committee on Un-American Activities?

34. Would your judgment of the defendant's guilt or innocence be affected by the fact that the defendant and the organization of which he is an official has on occasion expressed criticism of U. S. policy toward the Soviet Union?

35. Does any member of the panel believe that persons
or orgainzations within the United States who ex-
110-G press such criticism are un-American or subversive?

36. Has any member of the panel read any articles or heard any lectures or sermons condemning individuals or organizations in this country who criticize U. S. policy toward the Soviet Union?

37. Does any member of the panel have any prejudice against any individual or orgainzation who in sympathetic

fashion publishes facts about conditions of life and work in the Soviet Union?

GOVERNMENT WORKERS

38. In what department or service are you employed?

39. How long have you worked there?

40. In connection with your work, have you been questioned about alleged subversive activities or persons or organizations engaged in such activities by any person in authority?

41. Have you had any discussions with other employees on questions concerning subversive activities or persons or organizations engaged in such activities?

42. Have you ever been questioned by your superiors or by persons in authority on alleged subversive activities or persons or organizations engaged in such activities?

43. Have you ever been questioned by investigators of the Civil Service Commission?

110-H 44. Have you ever been questioned by investigators of the Federal Bureau of Investigation?

45. Have you ever been questioned by investigators of the Department of Justice?

46. Have you ever been questioned by investigators of the department in which you work?

• • • • •

47. Have you read or heard about the Presidential Executive Order which provides for the investigation and purge of Government workers for alleged disloyalty?

48. Have you discussed the P sidential Order?

49. Do you know that at present a loyalty check of Government workers is being conducted pursuant to the Executive Order of the President?

50. Do you know that in connection with such loyalty check, investigations of Government employees are being conducted?

51. Do you know that in connection with such loyalty check, a Loyalty Review Board has been appointed and is functioning?

52. Do you know that in connection with such loyalty check the Attorney General of the United States has published a list of subversive groups and organizations which is used in connection with such checks?

110-I 53. Have you read or seen the Attorney General's list in the newspapers or elsewhere?

54. Have you discussed the organizations on that list with anyone?

55. Pursuant to the Executive Order providing for a loyalty check of Government employees, the records and files of the House Committee on Un-American Activities are to be used in the investigation of Government employees. In view of that fact and the fact that the House Committee on Un-American Activities initiated the proceedings which resulted in this trial, have you any fear that if you were required on the evidence in this case to acquit the defendant, that your action in so doing might prejudice you in any way in your Government employment?

56. Would you have any fear, in view of the above, that your vote for acquittal in favor of the defendant may some day be used against you in your work or elsewhere, or subject you to criticism or ridicule in any way in connection therewith?

57. Friendly or sympathetic association with persons or organizations engaged in alleged subversive activities is a ground for discharge under the President's Executive Order. In view of this fact, do you or do you not believe that because of the nature of this case, if you found the defendant not guilty you might be charged with disloyalty and prejudice your job?

110-J 58. Do you believe it part of your obligation as a Government employee to be hostile to persons or organizations engaged in alleged subversive activities?

59. Have you, as a result of the Executive Order on loyalty or for any other reason, developed a prejudice against alleged persons or organizations engaged in alleged subversive activities as listed by the Attorney General?

60. Would your employment by the Government make you influenced in any way to the Government's side of the case as against the defendant?

* * * * * * * * * *

70 The Court: I will deny number 10.

That is a matter of proof, the purpose of this association, so I will strike that question.

Mr. Isserman: Which number was that?

The Court: Number 11.

57 is denied.

* * * * * * * * * *

74 The Court: I don't think 35 is proper.

Mr. Murray: I object to 35.

Mr. Isserman: You are ruling out 35?

The Court: That is right.

* * * * * * * * * *

75 The Court: 47, 48 and 49 go out.

50 goes out and 51 goes out.

Mr. Isserman: 50 is out and 51?

The Court: Yes, they are out.

52 is out. 11, 12, 13, 14, and 15, are out.

53 and 54—55 is out. How about 53 and 54?

Mr. Isserman: 53 is based on 52.

The Court: I understand that but 52 is out and 53 is in or I will put it out. I will change it if you want.

Have you read the Attorney General's list?

Mr. Isserman: From what?

The Court: The loyalty check. Have you read--you say this is on the list, this organization?

Mr. Isserman: Yes, sir.

The Court: We will change it. 55 is out.

57 is out. 56 would be putting in fear. 56 is out.
58 is out and 59 is out, and 60 remains.

* * * * * * * * * * *

76 Mr. Isserman: May I state for the record that the National Council of American-Soviet Friendship, Inc., of which the defendant is executive director, was named by the Attorney General on the list of alleged subversive organizations.

The Court: I am going to ask them that question, if they know who is on the list. If they haven't read the list, they don't know.

Mr. Isserman: I would like it indicated.

The Court: No, I am not going to make any reference.

Mr. Isserman: We would like to indicate this for the record, and I state the list was to be used in connection with the loyalty check of employees under Presidential Executive Order.

The Court: Very well.

* * * * * * * * * * *

Mr. Isserman: We ask the questions addressed to government workers be addressed to them outside of the
77 presence of the other jurors.

The Court: No, I will not do that.

Mr. Isserman: May I explain the reason?

The Court: Yes.

Mr. Isserman: The reason is we have to question the Government workers of their knowledge of the existence of the list and by asking questions of them.

The Court: Only if they answer in the affirmative, that they have seen the list.

Mr. Isserman: The question itself may suggest to some jurors the existence of a list, and I think that we should have the right to do that, and we have considered the problem very carefully, and we feel—

The Court (interposing): I will ask the whole panel whether they have seen that list.

Mr. Isserman: We prefer that question not to be asked that way.

The Court: I will do one of two things: I will ask the entire panel about that list or ask the Government employee about this list, and I am not going to separate these jurors and question them piecemeal. You can do whichever way you want.

Mr. Isserman: May we confer on that for a moment, because may want to withdraw the question.

78 The Court: Certainly.

Mr. Isserman: In view of the Court's ruling, we prefer that question 52 be not asked of any jurors.

The Court: You mean 53, about the Attorney General's list?

Mr. Isserman: Yes; 53.

The Court: All right. 54 automatically comes out.

Mr. Isserman: That is right; 54. We are in the same position on question 54.

* * * * * * * * * *

86 The Court: Counsel for the defense have requested certain questions be asked of the prospective panel, which the Court has granted, and I will ask those questions.

* * * * * * * * * *

87 The Court: Is any member of the panel opposed to cooperation or friendship between the United States and the Soviet Union?

Juror Courter: As an economist, I believe it is

88 impossible.

* * * * * * * * * *

90 The Court: The following questions are for those on the panel who have indicated that they are employees of the United States Government.

Mr. Hill, in what department are you employed?

Juror Hill. Internal Revenue.

* * * * * * * * * *

91 The Court: Mr. Courter, where are you employed?

Juror Courter: With the Securities and Exchange Commission.

* * * * * * * * * * *

The Court: Mr. James?

Juror James: Bolling Field, D. C.

* * * * * * * * * * *

92 The Court: Mr. Jackson?

Juror Jackson: National Gallery of Art; been there eight years.

* * * * * * * * * * *

94 The Court:

* * * * * * * * * * *

Pick the jury.

* * * * * * * * * * *

The Deputy Clerk: Jurors please answer as your names are called and take your places in the jury box.

* * * * * * * * * * *

95 The Deputy Clerk: Anson Courter.

The Deputy Marshal: Two.

* * * * * * * * * * *

The Deputy Clerk: Clarence Hill.

The Deputy Marshal: Number six.

* * * * * * * * * * *

The Deputy Clerk: Willie Jackson.

The Deputy Marshal: Number eight.

The Deputy Clerk. David James.

The Deputy Marshal: Number nine.

* * * * * * * * * * *

97 Mr. Isserman: The second challenge for cause we are about to make is Juror No. 2.

The Court: Why for cause, because he says in his opinion as an economist there can't be friendly relations between the United States and Russia?

Mr. Isserman: If Your Honor doesn't allow it for cause, I would like to question him further.

The Court: What is the further question?

. . . . . .

98 Mr. Isserman: I would like to ask him whether because of his expressed view he harbors any prejudice against an organization which works for American-Soviet friendship.

The Court: Suppose he says yes, what?

Mr. Isserman: We would then ask he be removed for cause on that ground. Your Honor will not grant that, that I question also whether he isn't prejudiced against any such organization, and a series of further questions that suggest themselves, depending on his answer?

. . . . . .

100 The Court: . . .

Your other challenge for cause is Juror No. 2, Mr. Courter.

Mr. Murray: The one who said cooperation between the governments was impossible?

The Court: Yes, he is an economist, and he thought it would be—that challenge for cause is denied.

Mr. Murray: There was a request for a further

101 question to him.

The Court: I will grant the further question.

. . . . . .

Mr. Isserman: May we have the opportunity to prepare some additional questions on both Juror 2 and 12?

The Court: No, I am not going to have—you can ask them right now, through me. What are they? No. 2, you have told me that.

Mr. Isserman: There may be some other questions, depending on his answer. If Your Honor wants me, I can extemporaneously note a number of questions.

The Court: I am not going to use up a number of questions. I am getting a jury this afternoon in this matter.

Mr. Isserman: The man has indicated.

The Court: I am not going into this question of somebody heard a broadcast about Soviet Russia, or because a person doesn't believe, because of his economic views—

Mr. Isserman: What we would like to do is pursue that further to see whether his economic views will affect this particular situation.

The Court: I will allow that.

Mr. Courter, is it?

Mr. Courter: Yes.

The Court: Juror No. 2, you answered Question No. 27 in your opinion as an economist—

102 Mr. Courter: Yes.

The Court: —friendship between the Soviet and the United States is impossible.

Mr. Courter: May I state that I am simply stating that over a long period of time the ultimate consequence of the economics of Engels and Marx would lead to the necessity of any country holding those views subjugating the United States or any other political division.

The Court: My question to you is because of your opinion based upon it as an economist that would be impossible, would that prejudice you against this defendant here?

Mr. Courter: I don't think so. I have equally strong opinions about some members of the Un-American Committee.

The Court: Very well.

Mr. Courter: Which I could disassociate myself from.

Mr. Isserman: What was the last?

The Court: He has just as many strong opinions about members of the Committee on Un-American Activities.

. . . . . .

108 The Court: Have you any peremptory challenges?

. . . . . .

Mr. Isserman: If the Court please, the defense asks that Juror No. 10 be excused.

109 The Court: Mr. Jessen, you are excused.

* * * * * * * * * * *

Mr. Isserman: If the Court please, may we have Juror No. 1 excused.

The Deputy Clerk: Della Lowe, Juror No. 1, you are excused from serving on this panel.

* * * * * * * * * * *

110 Mr. Isserman: If the Court please, may Juror No. 12 be excused?

The Court: Very well.

The Deputy Clerk: Rafael Nieves, Juror No. 12, you are excused from serving on this panel.

* * * * * * * * * * *

John W. Carrington was called as a witness on behalf of the United States:

(Minority clerk of House Committee on Un-American Activities)

122 Mr. Murray: Your Honor, I am prepared to offer it. I understand counsel have objections to make. I do now offer in evidence Government's Exhibit No. 3.

Mr. Horsky: May I ask one or two preliminary questions before stating the objection?

Mr. Carrington, is that a record from the files of the Committee on Un-American Activities?

The Witness: Yes, sir.

Mr. Horsky: By whose authority did you get it from the files?

The Witness: This was—

Mr. Murray: Just a moment. I object to that question. I don't think it is relevant in connection with the identification of an exhibit.

123 The Court: I will sustain the objection.

Mr. Horsky: I object to the admission in evidence of this exhibit on two grounds, Your Honor.

First, that it is unauthoriz d –that it isn't the authorized production here in court of the document of the committee according to the rules as we have been told they apply.

Second, we object to it on the ground it is an invalid request upon this defendant.

We will have evidence to introduce on that subject in accordance with the instructions of Mr. Justice Holtzoff. I don't wish to introduce that evidence now unless Your Honor would care to have that done at this time. So long as my objection to it on that ground is preserved, I don't object to the introduction.

The Court: It may be admitted and your objection is preserved.

* * * * * * * * * * *

127 By Mr. Murray:

Q. Mr. Carrington, from the group of papers you have just brought into court, I have taken these which I now show to you which are marked Government's Exhibits 4 to 10, inclusive, and ask you whether they are from the files of the Committee on Un-American Activities of the House of Representatives? A. Yes, sir, they are.

* * * * * * * * * * *

128 Mr. Murray: Your Honor, the papers which I have had identified are, as far as I know, the only ones which the Government proposes to make use of, but the witness has produced this envelope containing other papers, and if the defendant may want to make use of them, I shall now ask the witness this general question.

* * * * * * * * * * *

129 By Mr. Murray:

Q. Mr. Carrington, all the papers which were contained in this manila envelope which has just been marked Government's Exhibit 11 were from the files of the committee? A. Yes, sir.

* * * * * * * * * * *

135 Q. You have been shown, Mr. Carrington, Government's Exhibits 4 to 10, which have been marked for identification and I believe your testimony was that they were taken from the committee files? A. That is correct.

Q. Now, you took them from committee files at whose instructions, can you tell us? A. From the chairman.

136 Q. And who was the chairman of the committee? A. John S. Wood, Congressman John S. Wood.

* * * * * * * * * *

John S. Wood was called as a witness on behalf of the United States.

139 By Mr. Murray:

Q. Mr. Wood, your full name is John S. Wood? A. Yes, sir.

Q. And you are Member of Congress from what State, sir? A. Georgia.

140 Q. How long have you been a member of Congress, Congressman Wood? A. Altogether?

Q. Yes, sir. A. Seven and a fraction years.

Q. Are you a member now of the Committee on Un-American Activities of the House of Representatives? A. I am.

Q. And were you chairman of that committee at one time? A. Yes, sir.

Q. What period, sir? A. From July, 1945, until January 1, 1947.

* * * * * * * * * *

142 Q. Did you conduct the hearing at which Mr. Morford appeared? A. I did. I participated in it. The chief counsel did some of the questioning, and some other members of the committee did some, but I was the chief interrogator.

Q. Did you conduct the hearing, did you preside? A. I did.

Q. By the way, do you recognize Mr. Morford in court here? A. Yes, sir, I believe that is him, right over there.

* * * * * * * * * *

No. 236

JOINT APPENDIX

Office - Supreme Court, U. S.
FILED
AUG 6 1949
CHARLES ELMORE CROPLEY
CLERK

IN THE

United States Court of Appeals
for the District of Columbia Circuit

No. 9854

RICHARD MORFORD, *Appellant*,

v.

UNITED STATES OF AMERICA, *Appellee*.

Appeal from the District Court of the United States for the District of Columbia.

United States Court of Appeals
for the District of Columbia
Circuit
FILED NOV 30 1948
Joseph Weinstock
CLERK

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

INDEX TO JOINT APPENDIX

	Page
I. Pleadings, Docket Entries and Other Papers	2
The Indictment	2
Motion to Dismiss Indictment, or, in the Alternative, for a Bill of Particulars	4
Bill of Particulars	6
Supplement to Bill of Particulars	7
Exhibit A	7
Exhibit B	12
Opinion	18
Subpoenas	29
Subpoena Duces Tecum	32
Schedule A	33
Motion by the Defendant to Postpone Date of Trial	39
II. Excerpts from Testimony and Proceedings	40
Proceedings	40
Motion to Postpone Trial	40
Motion to Dismiss Indictment	52
Motion to Exclude Government Workers From Jury	56
Questions for the Jury Panel	57
Government Workers	61
Witnesses:	
John W. Carrington	69
John S. Wood	71
Motion for Judgment of Acquittal	126
Witnesses:	
Corliss Lamont	130
James Hardin Peterson	156
John S. Wood	167
Corliss Lamont	173
Dr. Clyde Miller	177
Richard Morford	183
Motion to Dismiss Indictment	191
Motion for Judgment of Acquittal	202
Rulings on Requests for Instructions	203
Defendant's Requests for Instructions to the Jury	205
Government's Prayer for Instruction No. 1	208
Argument to the Jury on Behalf of the Defendant	209
Charge to the Jury	264

Page

Defense Objections to Charge to Jury 217
Verdict of the Jury 219
Motion for New Trial 220
The Judgment 222
Notice of Appeal 223

III. Exhibits and Excerpts 224

Government's Exhibits

Government's Exhibit No. 3 251
Government's Exhibit No. 12 255

Defendant's Exhibits

Defendant's Exhibit No. 2 253
Defendant's Exhibit No. 2 (cont.) 258
Defendant's Exhibit No. 3A 243
Defendant's Exhibit No. 3B 245
Defendant's Exhibit No. 4 347
Defendant's Exhibit No. 5 348
Defendant's Exhibit No. 8 349
Defendant's Exhibit No. 10 350
Defendant's Exhibit No. 12 352
Defendant's Exhibit No. 13 353
Defendant's Exhibit No. 14 354
Defendant's Exhibit No. 15 359
Defendant's Exhibit No. 16 236
Defendant's Exhibit No. 20 361
Defendant's Exhibit No. 21 362
Defendant's Exhibit No. 22 363
Defendant's Exhibit No. 23 364
Defendant's Exhibit No. 24 366
Defendant's Exhibit No. 25 368
Defendant's Exhibit No. 26 369
Defendant's Exhibit No. 27 370
Defendant's Exhibit No. 28 370
Defendant's Exhibit No. 29 371

III. Exhibits and Excerpts

Defendant's Exhibit No. 31 372
Defendant's Exhibit No. 32 373
Defendant's Exhibit No. 33 374
Defendant's Exhibit No. 34 375
Defendant's Exhibit No. 35 376
Defendant's Exhibit No. 39 377
Defendant's Exhibit No. 40 378

Page

Defendant's Exhibits (cont.)

Defendant's Exhibit No. 41 37
Defendant's Exhibit No. 42 37
Defendant's Exhibit No. 43 37
Defendant's Exhibit No. 45 38
Defendant's Exhibit No. 46 38
Defendant's Exhibit No. 48 38
Defendant's Exhibit No. 49 38
Defendant's Exhibit No. 51 38
Defendant's Exhibit No. 52 38
Defendant's Exhibit No. 53 38
Defendant's Exhibit No. 54 39
Defendant's Exhibit No. 55 39
Defendant's Exhibit No. 56 39
Defendant's Exhibit No. 57 40
Defendant's Exhibit No. 60 32
Defendant's Exhibit No. 61 40
Defendant's Exhibit No. 62 40
Defendant's Exhibit No. 67 40
Defendant's Exhibit No. 68 42
Defendant's Exhibit No. 69 42
Defendant's Exhibit No. 72 22
Defendant's Exhibit No. 73 22
Defendant's Exhibit No. 74 22
Defendant's Exhibit No. 75 22
Defendant's Exhibit No. 76 22
Defendant's Exhibit No. 77 22
Defendant's Exhibit No. 78 22
Defendant's Exhibit No. 79 23
Defendant's Exhibit No. 80 23
Defendant's Exhibit No. 81 43
Defendant's Exhibit No. 82 23
Defendant's Exhibit No. 83 42
Defendant's Exhibit No. 84 42
Defendant's Exhibit No. 85 43
Defendant's Exhibit No. 86 24
Defendant's Exhibit No. 87 24
Defendant's Exhibits Nos. 88 and 89 24
Defendant's Exhibit No. 91 43
Defendant's Exhibit No. 93 35
Defendant's Exhibit No. 94 28
Defendant's Exhibit No. 95 29

IN THE

United States Court of Appeals
for the District of Columbia Circuit

No. 9854

RICHARD MORFORD, *Appellant*,

v.

UNITED STATES OF AMERICA, *Appellee*.

Appeal from the District Court of the United States for the District of Columbia

JOINT APPENDIX

I.

PLEADINGS, DOCKET ENTRIES AND OTHER PAPERS

629 Filed March 31, 1947

The Indictment.

District Court of the United States for the District of Columbia

Holding a Criminal Term

January Term, 1947

Criminal No. 366-47

Grand Jury Original

Violation 192, Title 2 U. S. C.

(Contempt of House of Representatives)

UNITED STATES OF AMERICA

v.

RICHARD MORFORD

The Grand Jury charges:

Pursuant to House Resolution 5 of the House of Representatives of the United States, 79th Congress, dated January 3, 1945, including the rules of Congress therein adopted and amended, the House of Representatives was empowered to and did create the Committee on Un-American Activities, having duties and powers as set forth in said Resolution.

Richard Morford was summoned as a witness by authority of the House of Representatives, through its Committee on Un-American Activities, to produce before the said Committee records upon the matter under inquiry committed to said Committee by the Resolution aforesaid, that is to say,

all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945. He appeared before the said Committee at its session in the District of Columbia on March 6, 1946, but then and there refused to produce the said records upon the matter under inquiry, and thereby wilfully made default.

(30) Second Count:

The Grand Jury charges:

That Richard Morford, having appeared before the Committee on Un-American Activities of the House of Representatives on March 6, 1946, under the circumstances set forth in the first count of this indictment, the allegations concerning which are incorporated into this count, was asked by the Committee who were the members of the publications committee of the National Council of American Soviet Friendship, Inc., which prepared and edited a publication known as "Reporter", which question was pertinent to the inquiry which the Committee on Un-American Activities was then conducting, pursuant to the Resolution mentioned in the first count; and Richard Morford refused to answer that question.

GEORGE MORRIS FAY,
Attorney of the United States in and for the District of Columbia.

A True Bill:

HELEN M. HOFFMAN,
Foreman.

631 Filed May 5 1947

Motion to Dismiss Indictment, or, in the Alternative, for a Bill of Particulars.

The defendant moves that the indictment be dismissed on the following grounds:

1. The indictment is fatally vague, uncertain, and indefinite, in that:

a. The first count does not show that the documents allegedly summonged or subpoenaed were material to the matter under inquiry, nor does it set forth the facts upon which such materiality is based.

b. The second count does not set forth the facts upon which it is alleged that the question allegedly asked of the defendant was pertinent to the question under inquiry.

c. The second count shows neither the precise question allegedly asked nor the precise manner in which the defendant allegedly refused to answer.

2. The first count of the indictment is fatally defective in that it is based upon an invalid summons or subpoena to produce documents.

3. The indictment does not state an offense against the United States in that the scope of the investigation committed to the House Committee on Un-American Activities by House Resolution 5 of the 79th Congress is not
632 judicially ascertainable and the pertinency of any question or document is not determinable by the Court.

4. House Resolution 5 of the 79th Congress, as construed and applied, in conjunction with Section 192 of Title 2 of the U. S. Code and Section 192 of Title 2 of the U. S. Code as applied does not provide the ascertainable standard of guilt required by the Fifth and Sixth Amendments to the U. S. Constitution.

5. The indictment does not state an offense against the United States in that the scope of the investigation com-

mitted by the 79th Congress to the Committee on Un American Activities in House Resolution 5 is indefinable and so indefinite and sweeping that the attempts of the Committee on Un-American Activities to compel the defendant under the threat of criminal prosecution to produce the documents referred to in the first count of the indictment and to answer the question referred to in the second count of the same, are beyond the constitutional powers of Congress.

In the alternative, the defendant moves for an order, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, directing the United States of America to furnish a bill of particulars with respect to the following matters alleged in the indictment:

With Respect to the First Count:

1. State the matter that was under inquiry at the March 6, 1946 session of the Committee on Un American activities and specify in what particular or particulars the documents called for by the summons or subpoena were material to the matter under inquiry.

2. State the questions and answers upon the basis of which it is alleged that the defendant was requested to produce the documents and refused so to do.

633 With Respect to the Second Count:

3. State the matter that was under inquiry at the March 6, 1946 session of the Committee on Un-American activities and specify in what particular or particulars the question or questions propounded to the defendant which he is alleged to have refused to answer were pertigent to the question under inquiry.

4. State the questions and answers upon the basis of which it is alleged that the defendant refused to answer a question or questions pertinent to the inquiry.

CHARLES A. HORSKY,
Counsel for the Defendant.

May 5, 1947.

Filed May 7, 1947

Bill of Particulars

Responding before argument to certain portions of the motion for bill of particulars filed herein on May 5, 1947, the United States Attorney states as follows:

1. (First part of paragraph 1, page 2 of motion). The matter under inquiry before the Committee on Un-American Activities of the House of Representatives at the time the defendant was summoned and appeared as alleged, was that part of the matter which related to the National Council of American-Soviet Friendship, Inc., and organizations affiliated therewith and individuals connected therewith.

2. (Paragraph 2, page 2 of motion). The questions and answers upon which is based the allegation that the defendant refused to produce the records he was summoned to produce when he appeared before the Congressional Committee in the District of Columbia on March 6, 1946, are some or all of the questions, answers and proceedings relating to that subject which occurred on that occasion. A transcript of all these questions, answers and proceedings will be furnished to the defendant within ten days of the filing of this bill.

3. (Paragraph 3, page 3 of motion). The matter under inquiry at the March 6, 1946, session of the Committee on Un-American Activities was that part which related to the National Council of American-Soviet Friendship, Inc., and organizations affiliated therewith and individuals connected therewith.

635 4. The questions and answer upon which is based the allegation that the defendant refused to answer the question described in the second count of the indictment when he appeared before the Committee on Un-American Activities on March 6, 1946, in the District of Columbia, are some or all of the questions, answers and proceedings relating to that subject which occurred on that occasion. A transcript of these questions, answers

and proceedings will be furnished to the defendant within ten days of the filing of this bill.

GEORGE MORRIS FAY,
United States Attorney.
CHARLES B. MURRAY,
Assistant United States Attorney.

• • • • • • • • • •

636 Filed May 16, 1947

Supplement to Bill of Particulars

Pursuant to the undertaking of the United States Attorney in his Bill of Particulars filed herein on May 7, 1947, I have this 16th day of May, 1947, sent by official United States Mail to Charles A. Horsky, Esquire, attorney for the defendant, at his address Union Trust Building, Washington 5, D. C., the transcript of questions, answers and proceedings mentioned in Paragraph Two of said Bill of Particulars consisting of seven pages, an exact copy of which is attached hereto marked "Ex. A"; and the transcript of questions, answers and proceedings mentioned in Paragraph Four of said Bill of Particulars consisting of nine pages, an exact copy of which is attached hereto marked "Ex. B".

CHARLES B. MURRAY,
Assistant United States Attorney.

• • • • • • • • • •

637 **Exhibit A** 901 902

Mr. Adamson. Now, Mr. Marford, I believe you were served with the subpoena on February 14th in New York City at your office, and I think you asked for an adjournment of your appearance to this date. Is that correct?

Mr. Marford. That is correct.

Mr. Adamson. And the committee granted your request for the adjournment?

Mr. Marford. That is right.

The Chairman. He is here now in response to the subpoena?

Mr. Adamson. He is here in response to the subpoena, yes. The subpoena was served by John W. Carrington, Clerk of this committee, on February 11, 1946, at 3:30 p. m., Mr. Marford, the witness, who is now here, at his office in New York City, and the subpoena commanded Mr. Marford to appear and produce all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda, communications with any and all persons, together with a list, a complete list of all affiliated organizations for the year 1945. I now offer this subpoena for the record.

The Chairman. It will be received.

(The subpoena referred to follows:)

. . . . . .

638 Mr. Adamson. Now, Mr. Marford, have you produced for the inspection of this committee, the books, papers and records and documents and any other material that may be relevant here at this time? 903

Mr. Marford. Yes, sir, and I am prepared to offer still further material, material that we consider relevant to the basis of the inquiry upon what this committee operates (producing papers).

Mr. Adamson. Tell us what you have produced at this time.

Mr. Marford. The material has already been introduced, and you have, I judge, not yet made a part of the record the fact that we did offer material concerning our activities before, a full list of which was prepared and is now prepared, to indicate the material that has been submitted to this committee. Have you yet made that a part of the record that this material is in your hands, sir?

Mr. Adamson. Mr. Marford, you understand, do you not, that Mr. Lamont appeared down here and refused

to produce any further books, papers or records, other than the copies of the publications which your council has made public?

Mr. Marford. I am aware that the publications were offered to you, sir.

Mr. Adamson. We have that.

Mr. Marford. And you indicated that you had received and that examination had been made of those materials, and I come today to offer you additional material that has to do with the activities of the organization.

Mr. Adamson. Very well, suppose you recite to us now what you have produced here today, so that we can determine whether or not you have complied with the subpoena.

The Chairman. Why don't you give the list of the contributors in 1945?

Mr. Marford. I would like to indicate what I am prepared to offer in meeting what appears to us to be the legitimate demands of this committee for the record of its activities, and I want to enter that, sir.

Mr. Adamson. The committee will decide whether or not you have complied with the subpoena, if you will be good enough to indicate what you have.

Mr. Marford. I will indicate the materials that I am prepared to supply; then you can use your own judgment about it. I want to supply you with a record of the speeches that were made at the dinner occasion under the auspices of the National Council, February 21, 1946, and in further corroboration of that event, in terms of the newspaper clippings that are the result of that occasion. Then this other material was offered to you for your examination, we have a bulletin of the Committee on Education that I want to place in your hands; the proceedings of the American Soviet Building Conference of last spring time. Also I should like further to offer to the committee

Mr. Mundt. Is that all you have?

Mr. Marford. That is the additional material since this other material was offered to you.

The Chairman. None of that material, Mr. Marford, was called for by the subpoena. Specifically, first are the books, records and papers and documents showing the receipts for 1945. Have you got that?

Mr. Marford. No, I came to try to explain to you, sir, the basis on which we are submitting the material to you. We have offered the material.

The Chairman. Have you got the list of your contributors for 1945, showing the amount of each contribution?

Mr. Marford. I want to explain to you our position in the matter. I am under directions from our Board to protect against unwarranted encroachments the records which are the internal affairs of our organization, and which by no remote consideration could be considered propaganda activities; certainly could not be counted un-American or subversive activities, and therefore my responsibility as an officer of this organization is to protect these records against what appears to be an irrelevant request, which is my responsibility, and it seems to me yours to hear the explanation I am prepared to make.

The Chairman. I will ask you again, are you prepared now to disclose to this committee the list of your contributors for the year 1945 to the National Council of American-Soviet Friendship, Incorporated?

641 996

Mr. Marford. The terms of the resolution under which you operate——

The Chairman (interposing). I didn't ask you that. I just asked if you are prepared to present that list. That is a simple question. You can answer that "yes" or "no".

Mr. Mundt. You must know whether you have got them here or not, whether you brought them.

The Chairman. Have you got that list here ready to turn over to this committee?

Mr. Marford. I am protecting the records of my organization against unwarranted encroachment.

The Chairman. I just asked if you are prepared now to produce the records in conformity with the subpoena?

Mr. Marford. These records do not appear to be here, sir.

The Chairman. You have such records?

Mr. Marford. The records are in my custody in the office of the Council, yes, sir.

The Chairman. Very well, are you prepared now to produce today, in conformity with this subpoena, all the books, records and documents showing disbursements of money for the year 1945, of the National Council of Soviet-American Friendship?"

Mr. Marford. We believe that this material is outside the proper scope of your investigation.

642 907

The Chairman. I understand, but I didn't ask you that.

Mr. Marford. That is my reply.

The Chairman. I just asked if you have got them here ready to produce to this committee in conformity with the subpoena. That is a simple question. You know whether you have got them or not.

Mr. Marford. I am trying to make an explanation to you, sir.

The Chairman. You have already made the explanation, and I give you permission to do that. Now, I want you to answer the question, have you got them in conformity with the terms of this subpoena?

Mr. Marford. I have not the records here.

The Chairman. You have such records?

Mr. Marford. I have such records, sir.

The Chairman. Now, I will ask you whether or not you have got and are prepared to produce all your correspondence, memoranda and communications with any and all persons, together with a complete list of your subsidiary organizations?

Mr. Marford. No, because we count this a completely unreasonable request, and without the terms of the reso-

lution under which this committee acts. As a practical matter, I do not have those records at the moment.

The Chairman: You have them in your possession?

643 Mr. Marford. They are at the office. 908

The Chairman. I will ask you one further question. If one of our investigators should come to your office in New York City, thereby saving you the burden and inconvenience of producing them and bringing them here, will you permit him to see them?

Mr. Marford. It would be still my responsibility not to permit him to investigate those records.

The Chairman. I didn't ask you about responsibility, I asked you if you would permit him to investigate those records.

Mr. Marford. I would not permit him to do that.

The Chairman. That is all, so far as I am concerned.

644 **Exhibit B** 914

Mr. Adamson. I should like to quote a couple of lines here. You have a publication that is called "The Reporter"? Is that right?

Mr. Marford. Yes, sir.

Mr. Adamson. And that is sort of a regular publication issued at regular intervals?

Mr. Marford. Yes, sir.

Mr. Adamson. On October 15, 1945, in discussing the procedural discussions at meetings between the three great powers, that is, Great Britain, the United States and Russia, your bulletin goes on to say: "The Soviet case, even on the issue of procedure, stands out far better than the position of the United States." Does that, to your mind, suggest that your Reporter takes any attitude as between the position of the United States and the position of the Soviet Government? Let us get our standard of measurement here on your judgment.

Mr. Marford. I would recognize that opinion as an opinion that is based upon facts that have been considered by the committee responsible for that publication.

Mr. Adamson. In other words, your office, and at least the persons who are responsible for the preparation of the material for this Reporter, felt when that was written that Soviet Russia was right and the United States Government was wrong in the dispute? Is that correct?

Mr. Marford. Let me see.

Mr. Adamson. Well, I have a complete digest of all your publications.

645 Mr. Marford. Of course, I appreciate that. 915

Mr. Adamson. That was the issue of October 15th. Now, I just want your opinion as to whether or not you consider that to be an expression of the attitude on the part of your Council, the National Council, not your legal counsel.

Mr. Marford. Well, we believe that on the basis of fact it is quite within the rights of the Council to draw an opinion. I am answering on a question of my knowledge of what was done.

Mr. Adamson. In other words, you feel that the Council has taken, and has a right to take, a position hostile to the attitude of the United States Government, and friendly to the position of the Soviet Government? Is that correct?

Mr. Marford. That is not correct, and that may not be implied from that kind of statement.

Mr. Adamson. Let me read it again, only a few words: "The Soviet case, even on the issue of procedure, stands up far better than the position of the United States."

Mr. Marford. You see, you are taking it out of context. That is the reason I would like to read from the copy of it. Is is only a question of procedure that is involved, and that has nothing to do with attacking a system.

Mr. Adamson. If that statement appears in your Reporter as I have read it, then would you say that that was an expression of position on the part of the National Council?

646 Mr. Marford. Well, that is a publication of 916
the National Council. We do not necessarily have to stand for every word that may be uttered in that publication.

Mr. Adamson. Who prepares this bulletin called "The Reporter?"

Mr. Marford. That is the responsibility of our publications Committee.

Mr. Adamson. Who is the committee?

Mr. Marford. Now you are moving in an area in which you are asking about the internal structure and operations of our organization, and that is a point which I have indicated to you goes beyond the scope of your committee.

Mr. Mundt. Do you know who edits the Reporter? Do you know, and don't want us to know who edits the Reporter?

Mr. Marford. I don't want to answer because that is a matter that is beyond the scope of your investigation, according to our judgment.

Mr. Mundt. A question of any investigatory scope at all certainly would attach itself to the editor of a publication, about the wisdom of statements of which we have doubts. Certainly, if we have any investigatory powers at all, we would want to know who is responsible for statements that are un-American, if they are so demonstrated to be.

647 Mr. Marford. If it is true that your inves- 917
tigatory powers enable you to move in to ask for the total information concerning the internal structure and operations of our organization, it is at that point that I have indicated to you that we feel that it is outside the proper scope of your operations in terms of your authority by Congress to investigate un-American propaganda activities.

Mr. Adamson. We are getting off the track. I ask you, did you write it?

Mr. Marford. This is October 15th. I did not write it.

Mr. Adamson. Do you write them now?

Mr. Marford. I do not write the material for the Reporter.

Mr. Adamson. All right, then, who is responsible for the preparation and publication of the material in this bulletin of yours called "The Reporter"?

Mr. Marford. I have stated that I refused to——

Mr. Adamson (interposing). You refuse to answer that question?

Mr. Marford. I have indicated to you the publications committee, and beyond that I feel it is within my province not to furnish you further information at that point concerning the structure of our organization.

Mr. Adamson. Do you refuse to answer that question?

648 Mr. Mundt. He refuses to identify the members of that committee. Is that right? 918

The Chairman. Is that correct?

Mr. Marford. On a basis of principle, you see.

The Chairman. I am not asking about what basis it is. Do you decline to divulge the names of your Publications Committee?

Mr. Marford. I think at this point it is proper for me to indicate that I may not go into the matter further of the internal affairs of the organization.

The Chairman. You do decline to furnish that information?

Mr. Marford. That is the answer that I want to make.

The Chairman. That is not an answer. The point in question has been asked you. You say that this bulletin, which is called The Reporter, which is prepared under the authority of the National Council—I understand you say that the bulletin that is very adequately prepared under the authority of the National Council of American-Soviet Friendship, called "The Reporter" is set broadcast to many people in this nation. Is that right?

Mr. Marford. Yes, subscribers.

The Chairman. How many?

Mr. Marford. I don't know.

The Chairman. A thousand?

Mr. Marford. I don't know.

649 The Chairman. You know how many of them you print? How many are printed? 649

Mr. Marford. I don't know.

The Chairman. Have you got any idea?

Mr. Marford. It is in the thousands. That is all I know.

The Chairman. And they are sent to whosoever asks for them or that you desire to send them to?

Mr. Marford. That is correct.

The Chairman. Now, you say The Reporter is prepared by the committee of your organization known as the Publications Committee?

Mr. Marford. Yes, sir.

The Chairman. And that publications committee acts under the authority of the National Council of American-Soviet Friendship?

Mr. Marford. That is correct.

The Chairman. And notwithstanding the fact that it is your official publication, disseminated in your interest, as Executive Director of this organization——

Mr. Mundt (interposing). And I might add right there, under Form 3547 of the United States Post Office Department.

The Chairman. Under Form 3547 of the United States Post Office Department, thereby entitling you to reduced postage rates, and you now decline to furnish this committee with the names of that Publications Committee?

650 Mr. Marford. I have been trying to establish the thing— 920

The Chairman (interposing). You now decline to give that information?

Mr. Marford. I will ask counsel.

Mr. Mundt. All right.

(The witness retired from the hearing room for a short time.)

Mr. Adamson. We will resume now, and let the record show that the witness has returned after conference with his legal counsel, and has resumed the witness stand.

The Chairman. After you have had an opportunity to confer with your counsel I will ask you to please answer the question as to whether or not you decline to give the names of the Publications Committee?

Mr. Marford. Let me come back to this——

The Chairman (interposing). Just answer the question. The question was asked you and you said you desired to confer with your counsel, whether or not you would give us the names of this Publications Committee of your organization. Will you answer that question?

Mr. Marford. May I not insist upon an explanation of the basis of the answer.

Mr. Mundt. Answer the question first, then give your explanation. You can give all the explanation you want to.

Mr. Marford. All right, sir.

The Chairman. Will you answer the question?

651 Mr. Marford. Yes, I will answer the question. Your request is what, sir? 921

The Chairman. For the names of the Publications Committee, names and addresses.

Mr. Marford. I do not think that I can give you the names, sir, of the members of the Publications Committee.

The Chairman. You mean you don't know them, or you refuse to give them?

Mr. Marford. I do know them. I do not wish to give them.

The Chairman. You decline to give them?

Mr. Marford. I decline. This publication is a publication of the Council and will stand on its own merits. I think there is nothing in that statement that in any way can be construed as being un-American or subversive.

We are entitled to an opinion, and under our rights under the First Amendment, and on that basis then, unless you can make a judgment about that this is satisfactory in proving that to be un-American and subversive, then, if it is not false, beyond that it is not our responsibility to furnish further information. It does not make any difference who wrote that particular article or who the particular committee was that stands behind that article.

The Chairman. The question does not refer to any particular article. It refers to an established periodical that you certify you give out periodically.

652 Mr. Marford. As long as the opinions set forth in that periodical are not un-American or subversive, then they may not be questioned beyond that point, as to who wrote them, what particular editorial committee was in charge, or what particular director was on the job at the time of publication. 922

The Chairman: Are there any further questions?

• • • • • • • • •

653 **Opinion**

Indictments under U. S. Code, Title 2, sec. 192, for failure to produce documents subpoenaed by the House Committee on Un-American Activities; and for conspiracy to violate U. S. Code, Title 2, Sec. 192. On motions to dismiss indictments. Motions denied.

• • • • • • • • •

654 In January 1945 the House of Representatives of the United States, by House Resolution No. 5, 79th Congress, 1st Session, created a Committee known as the Committee on Un-American Activities, which was authorized to make investigations of "(1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guar-

anteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation."

The defendants Richard Morford, George Marshall and Helen Bryan, have been indicted under U. S. Code, Title 2, Sec. 192,[1] for failure to comply with subpoenas *duces tecum* issued by the Committee and directing them to produce certain records before the Committee.

The indictment against Richard Morford alleges that he was subpoenaed to produce "all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945."

The indictment against the defendant, George Marshall, alleges that he was subpoenaed to produce "all books, records, documents and correspondence pertaining to the National Federation for Constitutional Liberties relating to the solicitation and disbursement of funds with a list of contributors." This indictment also charges the defendant Marshall with refusal to answer questions as to whether he had any connection with an organization known as the Marshall Foundation.

The indictment against the defendant Helen R. Bryan alleges that she was subpoenaed to produce "all books, ledgers, records and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcom-

[1] U. S. Code, Title 2, Sec. 192, reads as follows:

"Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than 12 months."

mittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries for the period from January 1, 1945, to March 29, 1946."

The indictment against the defendants Edward K. Barsky and others consists of two counts. The first count avers that they were members of the Executive Board of the Joint Anti-Fascist Refugee Committee, and charges them with a conspiracy to defraud the United States
656 by encouraging the defendant Helen R. Bryan to refuse to produce records before the Committee; and further with a conspiracy to violate U. S. Code, Title 2, Sec. 192.

The second count of this indictment charges the defendants with the substantive offense of failure to comply with a subpoena directing them to produce "all books, ledgers, records and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or any subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries for the period from January 1, 1945, to March 29, 1946."

The defendants now move to dismiss the indictments for alleged failure to state an offense against the United States.

The principal contention advanced by the defendants is that the House Resolution under which the Committee acted, is invalid.

It is elementary that for use in connection with the exercise of its power to legislate and to appropriate funds, the Congress has the authority to secure information. Ordinarily legislation cannot be intelligently enacted without previously ascertaining facts from which conclusions can be drawn as to whether need for legislation exists and, if so, what form the legislation should assume. Similarly, detailed data are necessary in connection with the

appropriation of moneys. Historically the control of the purse is one of the basic and vital functions of the legislative branch of the Government. Whenever necessary or desirable the Congress may secure the requisite facts by study and research, or by procuring information from persons who volunteer it. The Congress, however, is not limited to these sources of knowledge. It has the right to compel the disclosure of factual material. At times this is the only method by which necessary data can be obtained. For this purpose, the Congress may issue subpoenas to require the attendance of witnesses and to exact the production of records and documents. When resort is had to this course, the customary practice is to delegate the duty to a Committee.

Manifestly, the sole purpose for which the Congress may carry on investigations and secure information is in connection with the exercise of its legislative function and with the appropration of moneys. It may not, for example, compel the divulgence of information for the purpose of ascertaining whether a crime has been committed as a basis for a criminal prosecution, since this is a matter for the judicary and for the prosecutng officers of the Government. On the other hand, if the same information is desired for use in connection with legislation, the Congress has a right to demand it. The information sought to be secured by a Congressional Committee must be germane to the legislative or the appropriating function.

In connection with the exercise of these powers, however, the Congress is not limited to securing information precisely and directly bearing on some proposed measure, the enactment of which is contemplated or considered. The collection of facts may cover a wide field. Obviously in order to act in an enlightened manner, it may be necessary and desirable for the Congress to become acquainted not only with the precise topic involved in prospective legislation, but also with all matters that may have an indirect bearing on the subject. For

example, in connection with the regulation of interstate commerce, it may conceivably become desirable for Congress to secure facts bearing solely on some aspects of intrastate commerce. Or, in enacting criminal legislation, it may first become desirable to investigate conditions in States and localities involving violations of local law. In connection with appropriating funds and determining what allotments of moneys should be made, it may become desirable to obtain information covering a wide range. While the power of the Congress to carry on investigations is not without limit, nevertheless, the Congress has broad discretion in determining the subject matter of the study and the scope and extent of the inquiry. If the subject under scrutiny may have any possible relevancy and materiality, no matter how remote, to some possible legislation, it is within the power of the Congress to investigate the matter. Moreover, the relevancy and the materiality of the subject matter must be presumed. The burden is on one who maintains the contrary to establish his contention. It would be intolerable if the judiciary were to intrude into the activities of the legislative branch of the Government, and virtually stop the progress of an investigation, which is intended to secure information that Congress deems necessary and desirable in the proper exercise of its functions, unless the lack of materiality and relevancy of the subject matter is clear and manifest.

The authorities unanimously and conclusively support the foregoing views. Thus, in *McGrain* v. *Daugherty*, 273 U. S. 135, 174-175, Mr. Justice Van Devanter discussed this question as follows:

659 "We are of the opinon that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified. . . .

"A legislative body cannot legislate wisely or effectively in the absence of information respecting the

conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information, which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. All this was true before and when the Constitution was framed and adopted. In that period the power of inquiry—with enforcing process—was regarded and employed as a necessary and appropriate attribute of the power to legislate—indeed, was treated as inhering in it. Thus there is ample warrant for thinking, as we do, that the constitutional provisions which commit the legislative function to the two houses are intended to include this attribute to the end that the function may be effectively exercised."

In the cited case the Supreme Court observed that it is not necessary for the Resolution directing the investigation to avow in express terms that it is intended to be in aid of legislation. If it appears that the matter to be investigated is relevant or material to some subject over which the Congress may legislate, or in respect to which it may appropriate funds, the power to conduct the investigation exists.

In the case of *In re Chapman*, 166 U. S. 661, 670, Mr. Chief Justice Fuller, observed that it was not necessary that the Resolution authorizing the investigation should declare in advance what the Congress "meditated doing when the investigation was concluded."

In *Barry* v. *United States ex rel Cunningham*, 279 U. S. 597, 619, Mr. Justice Sutherland stated:

660 "The presumption in favor of regularity, which applies to the proceedings of courts, cannot be denied to the proceedings of the Houses of Congress, when acting upon matters within their constitutional authority."

In *United States* v. *Norris*, 300 U. S. 564, 573, Mr. Justice Roberts stated:

> "That it is within the constitutional province of Congress to institute investigations and to compel evidence with a view to possible exercise of its legislative function . . . is settled."

In a recent case in this jurisdiction, *Townsend* v. *United States*, 68 App. D. C. 223, 226, Mr. Justice Justin Miller in commenting on an objection that the investigating committee involved in that case never recommended any remedial legislation, made the following observation:

> "This is clearly beside the point. The act for which appellant was indicted occurred before the hearings of the committee were concluded. Its power to conduct a hearing for legislative purposes is not to be measured by recommendations for legislation or their absence."

That the subject of un-American and subversive activities is within the investigating power of the Congress is obvious. Conceivably, information in this field may aid the Congress in legislating concerning any one of many matters, such as correspondence with foreign governments (U. S. Code, Title 18, sec. 5); seditious conspiracy (*Id.* Sec. 6); prohibition of undermining the morale of the armed forces (*Id.* Sec. 9); suppression of advocacy of overthrow of the Government (*Id.* Sec. 19); the registration of organizations carrying on certain types of propaganda (*Id.* Secs. 14 and 15); qualifications for entering and remaining in Government service; the authorization of Governmental radio broadcasts to foreign countries; and other innumerable topics. Similarly such information may be helpful in appropriating funds.

661

The argument is advanced by counsel that the Resolution is invalid because it relates to freedom of speech, in respect to which the Congress may not legislate. This contention is without merit. Freedom of speech is, in-

deed; one of the fundamental rights of every person in a democracy. It is guaranteed and safeguarded by the First Amendment to the Constitution of the United States and is one of the basic rights of every inhabitant of the United States. No one who has any conception of the meaning of democracy would tolerate any encroachment or inroad on freedom of speech. It is not to be lightly assumed, however, that the Congress will enact legislation repugnant to the Constitution. A presumption of validity attaches to every Act of Congress. The burden of proof is on the person attacking its constitutionality. *A fortiori*, the courts may not presume in advance that the Congress will transgress the Constitution. The courts are not the sole guardians of the Constitution. That duty is shared with the other branches of Government, who are under an equal obligation to observe the limitations of the fundamental instrument. It is not to be presumed that the Congress will ignore its duty. Moreover, the right of freedom of speech is, in itself, a qualified right. The First Amendment does not, for example, preclude the Congress from excluding obscene matter from the mails or from the channels of interstate commerce. It does not guarantee to any one the right to incite others to commit a crime. It does not preclude the Congress from punishing persons who advocate the overthrow of Government by force. It does not bar the Congress from limiting certain activities
662 of Government employees, although similar activities are within the rights of all other citizens. Other limitations on the right of freedom of speech will occur to every thinking person. In any event, information to be obtained by this investigation is not limited in its use to legislation in respect to freedom of speech, but as heretofore indicated, may be utilized in respect to legislation on other subjects.

It is urged further that the Resolution is unconstitutional because it is too indefinite, in that the words "un-

American" and "subversive" are not defined and do not have a precise and well-established meaning. In support of this contention, reliance is placed on the general proposition of law that a penal statute which does not provide an ascertainable standard of guilt is violative of the due process clause of the Fifth Amendment and is, therefore, invalid. This doctrine has been established by a line of cases of which *United States* v. *Cohen Grocery Co.*, 255 U. S. 81, is typical. These decisions, however, are directed solely to penal statutes and relate to the well-known rule of law that no one should be punished criminally for an act which at the time he committed it he was unable to ascertain would be considered a crime. This rule, however, does not apply to statutes of other types.

There is nothing to the contrary in the case of *Kraus & Bros.* v. *United States*, 327 U. S. 614, 620. That case involved the validity of a regulation issued by the Administrator of the Office of Price Administration, to which a criminal sanction was attached. The court held that the regulation was subject to the same test as a penal statute. This line of reasoning, however, does not apply to the Resolution involved in the instant case.

663 No doubt many an Act of Congress may be found in which general terminology is intentionally or unintentionally employed. This is true of the present Resolution. The Committee is directed to investigate un-American and subversive activities. The exact scope of an investigation cannot always be charted and bounded in advance with the prevision of a survey. In conducting a research, an inquiry, or an investigation, some discretion must be left to those to whom the task is entrusted, if the objective is to be attained. If we analyze the words "un-American" and "subversive" as used in the Resolution, there are some activties which everyone will agree are un-American and subversive, and there are others which everyone will place in the opposite group. Between the two extremes, no doubt, there will be some gradations in

respect to which persons may well differ. There may well be differences of opinion as to the exact application or meaning of these terms, or as to whether some particular activity falls in one class or the other. This circumstance does not deprive the Congress of the power to investigate un-American and subversive activities, and for the purposes of carrying out its duties to vest in the investigating Committee the discretion to make a preliminary determination as to what activities are comprized within these two terms.

It is argued, however, that a person who is directed to appear or produce documents before the Committee may be at sea in endeavoring to determine whether the Committee is acting within its jurisdiction. It must be borne in mind, however, that the statute (U. S. Code, Title 2, Sec. 192) which punishes failure to comply with a
664 subpoena or to answer questions, is definite and makes a willful default a misdemeanor. A person who declines to comply with a direction of the Committee on the basis of a claim that the Resolution creating it is invalid, or that the Committee is exceeding its jurisdiction, acts at his peril. The provisons of an investigating Resolution are not drawn primarily for the benefit of a witness, but are framed for the guidance of the Committee. There are many situations in which a person assumes a risk in determining whether what he intends to do constitutes a crime. This is true, for example, in respect to violations of the anti-trust laws, because what constitutes an illegal restraint of trade is frequently a debatable matter.

In *Nash* v. *United States*, 229 U. S. 373, 377, Mr. Justice Holmes aptly remarked:

> "... the law is full of instances where a man's fate depends on his estimating rightly, that is, as the jury subsequently estimates it, some matter of degree. If his judgment is wrong, not only may he incur a fine or a short imprisonment, as here: he may incur the penalty of death."

In the light of the foregoing considerations, it is the conclusion of this Court that the House Resolution creating the Committee on Un-American Activities is valid.

It is further urged that the subpoenas as set forth in the indictments, are too broad and are, therefore, violative of the Fourth Amendment. Whether a subpoena is too broad cannot always be determined from the terms of the document, but is a mixed question of law and fact. Consequently, the question should not be determined on a motion to dismiss the indictment for insufficiency. 665. It may be observed that each of the subpoenas is limited to documents relating to a specific topic, or is restricted to specified periods, or both. Somewhat similar subpoenas were held valid in *Brown* v. *United States*, 276 U. S. 134, 138; and *Wheeler* v. *United States*, 226 U. S. 478, 483. Moreover, there may conceivably be a question as to whether under the circumstances of this case, the defendants are entitled to assert the privilege guaranteed by the Fourth Amendment, *United States* v. *White*, 322 U. S. 694, 704. These matters can be determined only at the trial on the facts.

Finally, in the case of *United States* v. *Eduard K. Barsky et al*, it is urged that the first, or conspiracy count, of the indictment is insufficient in that it charges the defendants with a conspiracy to defraud the Government without, however, averring that the conspiracy was to be effectuated by deceit, craft, or trickery, or by means that are dishonest. Reliance is placed on *Hammerschmidt* v. *United States*, 265 U. S. 182, 188, in support of this objection. The first count of the indictment further charges, however, that the defendants conspired to commit an offense against the United States by violating U. S. Code, Title 2, Sec. 192. Since the allegation last mentioned sets forth a conspiracy that is subject to criminal prosecution, the first count of the indictment is sufficient. Consequently, it is not necessary to determine whether the additional allegations, that are assailed by the defendants, are sufficient if they stood alone.

Motion to dismiss indictments denied. Alternative motions for bills of particulars are also denied.

ALEXANDER HOLTZOFF,
Associate Justice.

May 21, 1947.

• • • • • • • • • •

Subpoenas

666 Cr. No. 366-47

To J. HARDIN PETERSON
Room 1226 New House Office Building
Washington 25, D. C.

You are hereby commanded to appear in the District Court of the United States for the District of Columbia at Criminal Court No. One, U. S. District Courthouse, Indiana Avenue between 4th and 5th Sts., N. W. in the city of Washington on the 24th day of February 1948 at 10:00 o'clock A. M. to testify in the case of the United States v. Richard Morford, Criminal No. 366-47.

This subpoena is issued on application of the defendant.

HARRY M. HULL,
Clerk.

By HELEN M. McINTOSH,
Deputy Clerk.

• • • • • • • • • •

667

Received
Feb. 18, 3:51 P. M. '48
U. S. Marshal

RETURN ON SERVICE

Received this subpoena at Washington, D. C., on 2-18 and on 2-20-48 at Washington, D. C., I served it on the within named T. Hardin Peterson by delivering a copy to him personally protested service due to Congressional immunity.

W. BRUCE MATTHEWS.
By H. McCAULEY.

• • • • • • • • • •

668 CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.
February 20, 1948

Please recite in your return that I protest against the service and please include the following statement in your return:

I object to the service of the witness subpoena and to the subpoena upon the ground that I am a member of the House of Representatives, 80th Congress, of the United States of America; that Congress is in session at the present time and will be in session on the day that the subpoena is returnable, and that at the very hour of the return date of the subpoena a committee of the Congress of the United States, of which I am a member, is in session; that to respond to the summons would interfere with the duties as a representative in Congress; that under the Constitution I have no right to respond without the consent of the Congress and that the Congress has not consented to my responding to the subpoena; and that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities.

Respectfully,

J. HARDEN PETERSON,
Member of Congress,
District of Florida.

* * * * * * * * *

669 Cr. No. 366-47

To John R. Murdock
Room 540 Old House Office Building
Washington 25, D. C.

You are hereby commanded to appear in the District Court of the United States for the District of Columbia at Criminal Court No. One, U. S. District Courthouse, In-

diana Avenue between 4th and 5th Sts., N. W., in the city of Washington on the 24th day of February 1948 at 10:00 o'clock A. M. to testify in the case of the United States v. Richard Morford, Criminal No. 366-47.

This subpoena is issued on application of the defendant.

HARRY M. HULL,
Clerk.

By HELEN M. McINTOSH,
Deputy Clerk.

* * * * * * * * *

670 Received
Feb. 18, 3:51 P. M. '48
U. S. Marshal

RETURN ON SERVICE

Received this subpoena at Washington, D. C., on 2-18, and on 2-20-48, at Washington, D. C., I served it on the within named John R. Murdock by delivering a copy to him personally protested service due to congressional immunity.

W. BRUCE MATTHEWS.
By H. W. McCAULEY.

* * * * * * * * *

671 CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.
February 20, 1948

Please recite in your return that I protest against the service and please include the following statement in your return:

I object to the service of the witness subpoena and to the subpoena upon the ground that I am a member of the House of Representatives, 80th Congress, of the United States of America; that Congress is in session at the present time and will be in session on the day that the subpoena is returnable and that at the very hour of the return date

of the subpoena a committee of the Congress of the United States, of which I am a member, is in session; that to respond to the summons would interfere with the duties as a representative in Congress; that under the Constitution I have no right to respond without the consent of the Congress and that the Congress has not consented to my responding to the subpoena; and that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities.

Respectfully,

JOHN R. MURDOCK,
Member of Congress,
At-large District of Arizona.

. . . . . .

Subpoena Duces Tecum

676 The President of the United States to John Andrews, Clerk of the House of Representatives, P-42 United States Capitol, Washington, D. C.

You are hereby commanded to attend the said Court on Monday, the 15th day of March, 1948, at 10 o'clock A. M., to testify on behalf of the defendant, and bring with you the documentary material described in Schedule A attached hereto and made a part hereof consisting of 5 pages, which documents are in the files of the Committee on Un-American Activities, and not depart the Court without leave thereof.

Witness, The Honorable Chief Justice of said Court, the 10th day of March, A. D. 1948.

HARRY M. HULL,
Clerk.

By MARGARET L. BOSWELL,
Deputy Clerk.

CHARLES A. HORSKY,
Attorney for Richard Morford.

. . . . . .

677

Schedule A

Annexed to Subpoena

1. Letter dated November 19, 1945, from Corliss Lamont to Ernie Adamson, Counsel.

2. Letter from Corliss Lamont to Ernie Adamson, Counsel, dated November 27, 1945.

3. Letter dated November 27, 1945, from Corliss Lamont to John S. Wood, Chairman of the House Committee on Un-American Activities, and similar letters of the same date to John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, the Members of the House Committee on Un-American Activities.

4. Letter dated December 6, 1945, from Corliss Lamont to John S. Wood, Chairman.

5. Letter dated December 9, 1945, from Corliss Lamont to John S. Wood, Chairman.

6. Letter dated December 9, 1945 from Corliss Lamont to John E. Rankin, Member of the House Committee on Un-American Activities, and similar letters of the same date to J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, the other Members of the Committee.

7. Copies of letter dated December 9, 1945, from Corliss Lamont to Sam Rayburn, Speaker of the House, sent to John S. Wood, Chairman, and John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, Members of the Committee.

8. Copy of letter dated December 14, 1945, from Ernie Adamson, Counsel, to Carl Dreher, Bald Hill Road, Wilton, Connecticut.

9. Copy of letter dated December 14, 1945, from Ernie Adamson, Counsel, to American Civil Liberties Union.

10. Copy of letter dated December 20, 1945, from Ernie

Adamson, Counsel, to Mr. and Mrs. Robert Lippin, 40 Monroe Street, New York, New York.

11. Letter dated January 10, 1946, from Corliss Lamont to John S. Wood, Chairman.

12. Copy of letter dated January 19, 1946, from Karl E. Mundt, Member of the Committee, to Mr. Norman W. Schur, Chairman, National Committee to Combat Anti-Semitism, 22 East 17th Street, New York, New York.

678 13. Letter dated February 8, 1946, from Corliss Lamont to John S. Wood, Chairman, and similar letters of the same date to John E. Rankin, J. Parnell Thomas, J. Hardin Peterson, Karl E. Mundt, J. W. Robinson, Gerald W. Landis, John R. Murdock, Herbert C. Bonner, Members of the Committee.

14. Letter dated February 19, 1946, from Corliss Lamont to Karl E. Mundt, Member of the Committee.

15. Minutes of all meetings of the House Committee on Un-American Activities or any subcommittee thereof between January 3, 1945, and February 6, 1946, at which investigation of the National Council of American-Soviet Friendship, Inc., was considered, referred to, acted upon, or its propaganda activities were discussed, and transcripts of any testimony taken about or concerning the National Council of American-Soviet Friendship, Inc., during that period.

16. Transcript of the testimony of Corliss Lamont before the Committee on February 6, 1946.

17. All releases and statements issued by or on behalf of the House Committee on Un-American Activities, whether to the press or otherwise, between November 13, 1945, and August 3, 1946, which refer to or discuss the National Council of American-Soviet Friendship, Inc.

18. All publications and documents relating to the National Council of American-Soviet Friendship, Inc., submitted to the House Committee on Un-American Activities between January 1, 1946, and March 15, 1946, by Corliss Lamont and by Richard Morford, together with all state-

ments submitted to the Committee by said individuals, in connection with their appearances before said Committee.

19. Transcripts of Committee meetings or executive sessions after 11:15 A. M. March 7 to June 13, 1946, at which the Committee considered and or acted upon the refusal of Richard Morford to produce documents and or to answer any questions.

20. All card records and all compilations, and all documentary material upon which said records and compilations are based, concerning the National Council of American Soviet Friendship, Inc., and Corliss Lamont and Richard Morford which the House Committee on Un-American Activities had in its possession on or before August 1, 1946.

21. Letter from Carl Ryeber to Ernie Adamson of December 19, 1945.

22. Letter from Frederic G. Melcher, President, Publisher's Weegly, to John S. Wood of December 11, 1945.

679 23. Letter from John Rothschild to John S. Wood or the Committee of December 17, 1945.

24. Minutes and transcripts of hearings of the Committee at which Corliss Lamont appeared and concerning the National Council of American Soviet Friendship held on January 23, 1946, and January 24, 1946, A. M.

25. Minutes and transcript of meeting and executive session of Committee on February 6, 1946.

26. Minutes and transcripts of Committee meetings or executive sessions between November 27, 1945, and December 3, 1945, relating to the National Council of American-Soviet Friendship, Inc., including (but not limited to, action of the Committee directing or instructing the Chairman to request access to the books and records of said Council.

27. Report of an investigator of the Committee referred to by Congressman Thomas during Congressional debate on June 26, 1946, appearing at 92 Cong. Rec. 7721 (June 26, 1946); which report contained references to Corliss Lamont.

28. The evidence referred to by Congressman Rankin during Congressional debate on June 26, 1946, appearing at 92 Cong. Rec. 7728 (June 25, 1946), which allegedly establishes an alliance between the National Council of American-Soviet Friendship, Inc., and the traitor who tried in the United States and Canada to steal the secrets of the atomic bomb.

29. Letter from Norman W. Schur to Karl E. Mundt and/or other Members of the Committee dated January 7, 1946.

30. Committee Resolution adopted on or before May 28, 1946, directing the compilation of material entitled "Citations by Official Federal Government or State or Municipal Agencies or Reliable Private Organizations Regarding the Character of the Organization Named", which compilation has been published under date of May 29, 1946.

31. Letter dated December 12, 1945, from Arthur Garfield Hays and Roger Baldwin to John S. Wood, Chairman.

32. Copy of letter dated December 27, 1945, from Ernie Adamson, Counsel, to National Committee to Combat Anti-Semitism, Room 601, 22 East 17th Street, New York, New York, together with copy of petition by said National Committee, referred to in said letter.

680 33. Copy of letter dated March 22, 1946, from Ernie Adamson, Counsel, to Mr. Stanley B. Moss, c/o Moss and Arnold, 7 East 44th Street, New York, New York, together with copy of New York Times advertisement referred to therein.

34. Copy of letter dated between February and August, 1946, from John S. Wood, Chairman, to all members of Congress enclosing copy of report of Committee on Un-American Activities and summarizing its work and policy.

35. Letter from Clyde Doyle, Representative from California, to Ernie Adamson, Counsel, dated July 17, 1946.

36. Copy of letter dated July 18, 1946, from Ernie Adamson, Counsel, to Clyde Doyle, Representative from California.

37. Copies of letter sent by Karl E. Mundt, Member of the Committee, to Governor Thomas L. Bailey (Mississippi) and approximately 99 others on or about January 20, 1945, relating to a "suitable and working criterion to determine what does and what does not comprise an un-American activity", together with the "data sheet" mailed therewith and all replies received thereto, and all further correspondence with the same individuals in connection therewith and such additional correspondence received from other individuals and/or organizations pertaining to the establishment of the "working criterion" above set forth as to the definition of the terms "un-American" and/or "subversive".

38. Copies of all letters sent by or on behalf of the Committee or by any members thereof to The Brookings Institution between January 3, 1945, and April 15, 1945, relating to a working criterion for determining what constitutes un-American propaganda or activity, or relating to standards for determining what constitutes un-American activities, or relating to the definition of the terms "un-American" or "subversive", or relating to an analysis of letters received purporting to define un-American activities or propaganda; together with all letters received from the Brookings Institution in connection therewith.

39. The Report or memorandum submitted to the Committee by The Brookings Institution between January 3, 1945, and April 15, 1945, relating to or entitled "Suggested Standards for Determining Un-American Activities", and other data and material submitted in connection therewith.

681 40. Memorandum of six paragraphs sent to the Committee or to Karl E. Mundt, Committee Member, by the American Civil Liberties Union during February, 1945, relating to un-American activities, and letter accompanying same.

41. Stenographic transcript of all meetings of the House Committee on Un-American Activities or any subcommit-

tee of the same from January 3, 1945, to February 6, 1946, at which the definition or content of the phrase "un-American or subversive propaganda activities" was considered, discussed or acted upon.

42. All releases and statements issued by or on behalf of the House Committee on Un-American Activities between January 3, 1945, and January 4, 1947, whether to the press or otherwise which refer to or comment upon the investigation of organizations, groups, or individuals who are engaged in issuing propaganda or in influencing or attempting to influence public opinion.

43. Press release on or about June 22, 1945, by the House Committee on Un-American Activities or its Chairman dealing with the definition by said Committee of the words "un-American" and/or "subversive".

44. Each and every item listed under the column "publication" in connection with the Committee record of Clifford (T) M'Avoy as contained in Extension of Remarks of Honorable Hadwen C. Fuller, dated August 2, 1946, appearing at 92 Cong. Rec. A5230 (August 12, 1946).

45. Each and every item listed under the column "source" in connection with the Committee record of Corliss Lamont as put into the Record during Congressional debate by Representative J. Parnell Thomas on June 26, 1946, appearing at 92 Cong. Rec. 7722 (June 26, 1946).

46. Each and every item of source material in connection with the Committee record of Clyde R. Miller as contained in the speech of Hon. J. Parnell Thomas, dated February 19, 1946, appearing at 92 Cong. Rec. A888 (February 19, 1946).

47. Each and every item listed under the column "source" in connection with the Committee record of Michael J. Quill as contained in the Extension of Remarks of the Hon. J. Jarnell Thomas, dated February 27, 1946, appearing at 92 Cong. Rec. A1685 (February 27, 1946).

48. Each and every item of source material in connection with the Committee record of Margaret Webster and Edwin

S. Smith as contained in the report of Louis J. Russell, investigator entitled "Comprehensive Report Concerning Publications Issued by the National Council of American-Soviet Friendship, Inc." under the headings "The American Theatre" and "Pamphlet Entitled 'Organized Labor in the Soviet Union' ", respectively, together with the Committee record on Frederic March referred to under the heading "American Theatre" in said report and the supporting items of source material in possession of the Committee; said report was made part of the Committee Record on March 6, 1946 beginning at page 926A.

. . . . . .

678 Filed Mar. 12, 1948

Motion by the Defendant to Postpone Date of Trial

Comes now the defendant and moves the Court to postpone the trial of the above-named case from Monday, March 15, 1948 to such time as may follow by a period of not more than one week the date of adjournment of the present session of Congress, and for reasons states the following:

Defendant has issued subpoenas in this case to the following named Members of Congress as defense witnesses:

Congressman Hart of New Jersey
Congressman Wood of Georgia
Congressman Peterson of Florida
Congressman Bonner of North Carolina
Congressman Murdock of Arizona
Congressman Landis of Indiana
Congressman Mundt of South Dakota
Congressman Thomas of New Jersey
Congressman Rankin of Mississippi.

These witnesses are vital in order to enable defendant adequately to present his defense and to avoid a serious miscarriage of justice.

. . . . . .

675 "that all the facts which may be known to the undersigned regarding the particular case are in the records of the Committee on Un-American Activities."

Respectfully submitted,

CHARLES A. HORSKY,
WILBUR LESTER,
ABRAHAM J. ISSERMAN,
Counsel for the Defendant.

* * * * * * * * *

II.

EXCERPTS FROM TESTIMONY AND PROCEEDINGS.

Proceedings.

The Deputy Clerk: The case of Richard Morford.

* * * * * * * * * *

Motion to Postpone Trial

Mr. Horsky: There is a motion I have handed Mr. Murray privately, and which is in the file.

* * * * * * * * * *

To continue this case until after Congress has adjourned. The basis for the motion is set out in it.

* * * * * * * * * *

3 Mr. Horsky: * * *

Moreover, I have been engaged in a continuous struggle for the last month and a half to try and obtain the documents which we need for our defense.

4 I have served subpoenas on the chairman of the committee, on the clerk of the committee, and finally on the Clerk of the House.

I have been in negotiation with Chairman Michener of the House Judiciary Committee, in an attempt to obtain a resolution of the House which would permit equal access to the files of the House committee by both the prosecu-

tion and defense for relevant materials in this case. The House has not yet acted, although I have had several conversations with Chairman Michener about it. Whether they will act or not, I, of course, have no way of knowing. Whether, if they act, they will act in favor of releasing the documents, I have no way of knowing.

It was presented to the House for its action in the case of Mr. Marshall about 10 days ago, and my conversations with Mr. Michener at that time related to the possibility of a resolution by the House which would cover both of these cases, avoid duplication of trouble in the House.

However, when no resolution was forthcoming, I served a new subpoena in this case on the Clerk of the House, which, by the rules, would necessarily be reported to the Speaker.

The House has not been in session since that time, and Mr. Andrews, who is here in court this morning pursuant to the subpoena, has informed me it will be presented to the House this morning.

As it stands now, the defendants have not been able to get, and have been assured by the United States Attorney that they will not have, absent House permission, a single document from any source, from any of the files of the House Committee on Un-American activities.

For those reasons, partly because Congressmen apparently will not show up during this trial while Congress is in session, and partly because the House has not yet acted to make available to us any of the documents, we are necessarily precluded from defendant's defense here by way of documentary proof, or by way of oral testimony, and I think to require us to proceed under those circumstances would require us to proceed without possibly getting justice.

The Court: You are not ready, then, for trial, is that it?

Mr. Horsky: With what I have said, I don't see how I can be.

Mr. Murray: If the Court please, I think a brief statement of the case is relevant to this discussion, because it will be material to the merits of the motion, what it is that the defense claims it lacks by reason of the failure to obtain the witnesses and the documents referred to.

. . . . . .

Mr. Murray: The charges are two. The first count charges that the defendant, Richard Morford, was summoned by the Committee on Un-American Activities of the House of Representatives to produce before it records of the organization of which he was Executive Director, known as the National Council of American Soviet Friendship, which records were upon the matter under inquiry before that committee, that is, were pertinent to the investigation of that committee, and that he appeared and did not produce those records.

The second count charges that on the same appearance he was asked the pertinent question who were the members of the Publications Committee of that organization which published a paper known as The Reporter, which was of interest to the committee in its investigation, and he refused to answer that pertinent question.

Those are the charges the Government expects to prove. The Government expects to produce the chairman of the Committee on Un-American Activities, that is, the chairman at the time, Congressman John S. Wood of Georgia, who conducted the hearing, and who was presiding as chairman when Mr. Morford appeared before the committee.

We expect to show that the records called for were pertinent, and that the question asked was pertinent, on the basis of what? On the basis of information which the committee had received, which we will contend justified it in believing, as it did believe, that this organization might be engaged in subversive propaganda activities, and was therefore a proper subject for the investigation of the House committee.

The information by which they were persuaded, and on which they formed that belief was obtained, we will show, from an organization, a public organization in New York City, which is supported by the Community Chest, and which gives information about fund-collecting organizations as a public service to those who subscribe to that organization, which is known as the Information Bureau.

The House committee got from that Information Bureau a statement regarding this organization, in which it was pointed out that it was a corporation, and that one of its stated purposes was, and we have here named—one of the stated purposes of this organization was to take specific action against anti-Soviet propaganda which tends to disrupt the United Nations, or some such expression.

The name of the organization, this stated purpose, and this other information which I am about to state, were the bases for the belief, we expect to show, and the reasonableness of it, which the committee had, and on which they had a legal right to issue the subpoena, and many justices in this court have previously ruled that an honest and reasonable belief on the part of the committee—of an investigating committee—will justify it in moving against or moving into the affairs of a particular organization, and on this belief that this organization's activities bring it within the proper scope of the committee's investigation.

In addition to what I have stated, the name of the organization, and its stated purposes, to take specific action against anti-Soviet propaganda, we expect to show, if anything, in addition, only different publications which this organization itself turned over to the committee as an example of what the organization contended was its non-subversive propaganda activities.

We expect to show from excerpts from those publications, if they are produced, that the publications themselves strengthened the belief and made its reasonableness more apparent that this organization was publicly engaged in

pro-Soviet, and, therefore, subversive propaganda activities.

Now, that is the basis for our show of pertinency: First, information from an organization in New York that would give it to anybody that would pay for it. Secondly, the publications which this organization itself turned over.

• • • • • • • • • • •

10 The defendant wanted this committee to dump its entire file having the slightest reference, direct or collateral, to this organization or to any individuals connected with it, to dump that entire file into the court room.

Some of that documentary evidence the defense sought in that subpoena was plainly irrelevant, as was argued before.

• • • • • • • • • • •

• • • I think before they should be permitted to postpone this trial, which is now two years since the happening, and one year since the indictment, before that be done, I
11 think they ought to show clearly what they expect to show in defense of the case I have outlined of the Government, what they expect to show by the production of these witnesses and evidence which couldn't be shown now.

They certainly have their own publications, and they certainly know what their charter stated the purposes of their organization were, and it is on that basis we rely for a proof of pertinency.

• • • • • • • • • • •

12 Mr. Horsky: • • •

If, as Mr. Murray has not contradicted, we have no access to the records of the committee of any sort, we will attempt by secondary evidence as best we can to prove the correspondence with these men—by these men
13 with this organization. We would, of course, like to have them here to identify their own correspondence.

Secondly, we have things which these gentlemen have written or published about the issue which is critical in this

case, the nature of the committee's activities, and the nature of this organization, not necessarily communications to the organization, but communications about the organization.

. . . . . .

14 Mr. Horsky: Much of it we submitted to the committee and can't get it back. We submitted to the committee in response to this subpoena a great deal of information; we have not been able to recover a bit of it for purposes of analysis at the trial or for purposes of checking what the committee has got or hasn't got.

The Court: Like what?

Mr. Horsky: We submitted a stack of material this high (indicating), material which we contended was not un-American and subversive, all the propaganda material we had ever issued, a complete set. So far as I know, that is the only complete set there is, or practically so, and we have not been able to get that back from the committee to analyze it for your Honor to show you it is not subversive and un-American, as Mr. Murray says it is. We have no access to it. Mr. Murray says he will pull out excerpts. We haven't the material, can't get it from the committee, to show you it is misconstrued, or that he is pulling out excerpts which are perhaps miscopied, or anything else. We haven't got that material.

15 On the record Mr. Murray has himself said he is going to use records of the committee, he is going to use some New York organization's information, he is going to use the materials which this organization submitted to the committee, he is apparently going to use the documents which the committee thinks show that it had some ground to believe this organization was engaged in subversive and un-American propaganda.

He is not going to permit us an iota of evidence to controvert that, to show what the committee has that negatives that, that must have convinced them it was not engaged in subversive and un-American propaganda. That is one of the issues in this case, and we can't possibly submit to go

to trial with just what Mr. Murray wants to put in the record out of this committee's files.

. . . . . .

17 . . . We haven't even got a complete transcript of what happened when this man testified. We have been refused it upon subpoenas. The subpoenas have been honored not even to that extent.

. . . . . .

18 . . . We have three issues upon which we are in sharp conflict with the Government, issues of fact, on which we intend to base Constitutional arguments. We have urged before Justice Holtzoff in this case that there is in this resolution when combined with the statutes under which this defendant is prosecuted no sufficient standard of guilt to warrant a conviction.

The basis for that, without going into all of the authorities and the reason, is that the resolution requires as a key word throughout that the committee investigate un-American propaganda.

The Court: That doesn't involve this matter of a continuance, does it?

Mr. Horsky: Yes, sir. I will explain why in just one or two minutes.

The statute requires the witness answer only pertinent questions. The witness must, therefore, decide what pertinent is, based on the resolution, and as un-American has no meaning which anyone can ascribe to it, we contend he is denied due process under the Cohen case and others which require a standard of guilt.

Now, before Justice Holtzoff we argued that question based on judicial notice as we were limited to it.

We will try here to prove not only what we can show you by way of judicial notice, but by the proof from the committee's own words, their own activities, that it, itself,

19 . . . has no standard of what is un-American.

It has no definition, and this defendant not only could not have found the definition by looking for it in what

was known and public, even if he had had the committee's activities, and had known what they mean, he wouldn't have been able to define un-American, and, hence, make a decision as to whether the question asked him was pertinent or not.

It is clear, of course, your Honor, if the question is not pertinent, he may stand without any crime. The committee is empowered, or, rather, the statute makes out a crime only on a failure to answer a pertinent question.

. . . . . .

Mr. Horsky: The next issue arises out of a question of constitutionality which we propose to urge before your Honor, and which I know was not raised in the Barsky case, because we propose to show that, as is apparent from the subpoena here, and the question, that this subpoena was issued, and that this question was asked solely to obtain names of members of the organization and of the members of the Publications Committee to add to a black list of organizations and members which this committee illegally and unconstitutionally, and in violation and in excess of its authority maintains.

We are prepared to show, as a matter of fact, the committee beyond any matter of investigating was engaging in a wholly non-investigating, wholly unauthorized activity of preparing this black list. It was prepared without notice, without investigation, without standards, without opportunity to be heard.

It is made as a matter of routine, and assumes guilt by association, as a matter of course, it is secret, except as we will show the committee makes it available to Congressmen, in occasional reports to Government agencies, to private employers and public officials, and occasionally to the general public by way of releases to the press or in privileged speeches on the floor of the House.

We are prepared to show this black list is used, and, in fact, its principal purpose, if not its sole purpose, is to hamper and restrict the work of organizations and individuals with whom the committee disagrees, and

destroy reputations, and also to harm their livelihood in either public or private employment.

We are prepared to show this is not theoretical for this defendant, because this committee, even before calling for the names from this witness, and even before calling for the records of this organization, had placed the National Council on its black list, that it had used that to attack the National Council, persons connected with it, and, in turn, other organizations with which persons connected with the National Council were connected.

And we will show inevitably the matter would have gone to swell the committee's acknowledged million names by a few more.

We will show this concept of guilt by association dominates the committee's attitude, its investigations, and its black list.

All of this we are prepared to show, and to a very considerable extent from the witnesses who are not here, and from the documents we have not been able to obtain by subpoena.

* * * * * * * * * * *

24 There is a fourth issue of fact which is somewhat related to the third issue, upon which we are also prepared to prove facts which require both these witnesses and some of the documents which we have subpoenaed.

25 We are prepared to show and will show through the witnesses and the documents that the committee is not only engaged in the compilation of this black list, but but that it is setting itself up as a censor over all forms of speech and assembly, which a majority of its members as a committee happen to oppose.

We are prepared to show that this committee is not considering legislation and doesn't devote itself to legislating, but concerns itself as an administrative agency within the legislative branch criticizing and driving out of public life, depriving of public support, people it doesn't agree with.

We are prepared to show this committee has boasted of this fact, its power to drive radio commentators off the air, out of their jobs, drive movie people to drop a movie, to deprive organizations of financial support.

We are prepared to show through these witnesses and through these documents we have thus far been unable to get, that the committee has set itself up to eradicate what it calls undesirables, and they include people who speak with a foreign accent, and all sorts of people who have nothing at all against them except the committee doesn't like them.

We are prepared to show this is its principal purpose—

Mr. Murray: (Interposing) Your Honor, I am sorry, I don't like to interrupt this argument, but if I may be permitted at this time to do so, I should like to comment—

Mr. Horsky: (Interposing) You asked me to make a statement of my purpose.

Mr. Murray: I understand the Court was asking for facts, not generalities.

Mr. Horsky: These are facts.

Mr. Murray: If I said I would prove these records are pertinent and sat down, I would be doing exactly what Mr. Horsky is doing now. I said not only would we prove the records are pertinent, but I detailed the evidence by which we would prove it. I called upon Mr. Horsky, and I understand the Court is interested to have pointed out what facts, what correspondence, what does it say, what facts are you going to show to dispute the Government's evidence of pertinence.

I didn't intend to answer the argument at this time. This is an interruption. I will make it brief. Every argument that Mr. Horsky has stated so far was argued in extenso by other counsel in another case, and that case is on appeal now, and it is on appeal because of adverse rulings to these contentions, and the Josephson case passed on in the Second Circuit, in which certiorari was denied, disposes, in my opinion, of many of the points Mr. Horsky is stating. These

same things were urged and urged very violently in the Barsky case, that the committee was attempting to form a black list, and for that reason the Joint Anti-Fascist
27 Committee would not submit its records of expenditures and lists to the Committee on Un-American Activities, but the fact is if they had done so when they were called upon to do so, and if that list of expenditures had been a correct list, it would have shown that that organization had Gerhart Eisler on its payroll, so the committee is not always barking up the wrong tree, and it is not to be presumed to be engaged in forming a black list, but in forming—in obtaining and taking action upon a red list of those whom it has a right to investigate.

I am sorry, I did not intend to get into a whole argument, but I do believe the entire argument Mr. Horsky has made so far is subject to the criticism it goes into generalities, where the Government's argument has answered what it is going to prove, and how it is going to prove it.

. . . . . .

44 Mr. Isserman: . . .

And I would like to say a word about the question of documents. Many questions would be obviated if we had certain documents which we think are indispensable; the resolution of the committee on the definition of un-Americanism, for instance, and at this moment the request for documents, following the rules of the House, is in possession of Mr. Andrews, who told us this morning that he was presenting it to the Speaker, and from what we have learned about procedure, including what Mr. Horsky has obtained, we understand it is the practice of the Speaker to present the subpoena request to the House as transmitted to the Speaker by the Clerk. Now, that request will be before the House today. We do not know that the House will act upon it today. We do not know that the House will act upon it at all. We do know that a similar request was filed in the case of George Marshall some ten days ago and is awaiting action, but we have expectation, and our expectation is

based only on the equity of the matter and statements made in connection with the testimony of witnesses, we expect that Congress could say that the files of the committee shall be available to both sides to the extent that to the Court seems relevant. It seems to us to be a reasonable request, and one that is highly appropriate.

Now, this case cannot be tried without documents that the committee has. Mr. Murray will get all the documents he needs, we take it, and we feel that we should also have the documents, and until the House acts, or fails to act, we think that this matter should be held by Your Honor to abide that result.

. . . . . .

Mr. Murray: . . .

Although the Government has the right to choose by what evidence it will prove its case, the defense has the right to cross examine the witnesses produced and to call for a full production of documentary evidence, a part of which only may be submitted.

If we bring down here a little statement of a publication, as Mr. Horsky was saying I was going to do, and then have all the witnesses read one statement out of the whole publication and say that the committee read that statement and considered it was subversive propaganda then, of course, on cross examination that witness could be asked other things about that statement, and if the statement was in documentary form, as some of them are, the documents ought to be available to the defendant to cross examine the witness on, and called to the Court's attention for the purpose of showing that that particular statement has been taken out of its context by the committee and, therefore, has been misinterpreted. If we attempt to show a part of the document the whole should come in, and if not, it should be stricken, but to say that examination of the material is shown on which the committee found its conclusion to issue this subpoena requires the committee to dump its entire files over to the defense is quite a different

thing, and that is why I stated with particularity, and I repeat it was with particularity, what the Government is to rely on to prove pertinency in this case, the statement of the organization within its corporate charter, plus possible publications, and I mean all of them contained within this statement which the committee believed to be subversive, and which we will argue to the Court on reading of them, that they were subversive statements like this, for instance, that even on questions of procedure the Soviet Government has been in a much better position than the United States Government. Now, the committee thought that that was subversive. It may be that if five other pages of that Reporter are read some of the sting may go out of
52 that, but proceeding in the initial stage it was an issue of suspicion, and I would argue upon that point alone that the committee had a right to call for the records of this organization showing where it got its money, and who it was giving it to, and for what purposes.

* * * * * * * * * * *

53 Mr. Horsky: * * *

One further fact; I understand from what Mr. Murray said that there is no congressional privilege of these documents. He has documents apparently
54 which we could not get because I have searched the record and if there is no congressional privilege perhaps Your Honor can resolve the problem by ruling that those records can be brought here.

The Court: The only thing before me is a motion to postpone the trial of this case.

Mr. Horsky: One of the reasons to postpone, as stated in the motion, is that the documents are not available. If Your Honor makes them available that drops out.

The Court: Are you finished on the motion?

Mr. Horsky: I think so.

The Court: The motion to postpone is denied.

* * * * * * * * * * *

Motion to Dismiss Indictment

56 Mr. Horsky: I should like at this time to renew the motions which were made shortly after the indictment was handed up, and which we argued before Justice Holtzoff and on which he wrote an opinion.

The Court: Has a Judge of this Court already ruled on what you are going to present to me?

Mr. Horsky: In part, yes, and in part, no. I cannot answer it more specifically than that. In the two motions which were argued before Justice Holtzoff, on one of them he specifically reserved it for Your Honor, and that was the motion to dismiss Count 1 because it was based upon an invalid subpoena. His opinion said that was a matter for the Trial Court and could not be determined then.

The Court: He meant during the trial?

Mr. Horsky: He said—

The Court (interposing): Has he ruled on it?

Mr. Horsky: He said it will require evidence and I would like to reserve making that motion. We think we would have to have evidence, and then make it to Your Honor.

The Court: Very well.

Mr. Horsky: And the second motion which he did rule upon—

57 The Court (interposing): Which he did or did not?

Mr. Horsky: Did.

The Court: Well, I do not want to hear that if he ruled on it.

What is the third one?

Mr. Horsky: I want to explain about that motion he ruled upon. We want to present evidence on that and make a full record on the facts and I would like to reserve that motion until the evidence is in.

The Court: Very well.

Mr. Horsky: And the other motion, a second motion was, and I can describe it as a motion to dismiss the entire indictment on the ground that Resolution 5 of the Seventy

ninth Congress does not provide the ascertainable standard of guilt required by the Fifth and Sixth Amendments to the Constitution.

The Court: This matter has been presented to a member of this Court and he has already ruled on it, and that is sufficient.

Mr. Horsky: I would like to state it for the purpose of the record so it will indicate the grounds.

I move that the indictment be dismissed as fatally vague, uncertain, and indefinite in that:

A. The first count does not show that the documents alleged summoned or subpoenaed were material to the matter under inquiry, nor does it set forth the facts upon
58 which such materiality is based. The second count shows neither the precise question allegedly asked nor the precise manner in which the defendant alleged refused to answer.

B. The indictment does not state an offense against the United States in that the scope of investigation committed to the House Committee on Un-American Activities by House Resolution 5 of the Seventy-ninth Congress is not judicially ascertainable, and the pertinency of any question or document is not determinable by the Court.

C. The indictment does not state an offense against the United States in that the scope of the investigation committed by the Seventy-ninth Congress to the Committee on Un-American Activities in House Resolution 5 is indefinable and so indefinite and sweeping that the attempts of the Committee on Un-American Activities to compel the defendant under the threat of criminal prosecution to produce the documents referred to in the first count of the indictment and to answer the question referred to in the second count of the same, are beyond the constitutional powers of Congress.

* * * * * * * * * *

59 I have one additional motion which is based upon that which became available through that bill of par-

ticulars. I wish to make that motion and argue it to you. This argument goes only to Count 2 of the indictment.

The bill of particulars was filed by the United States in two steps, the first bill of particulars stating an answer to some questions, and then ten days later or thereabouts, a supplemental bill of particulars, which contains some of the questions and answers referred to in the indictment, and upon which it is alleged that the defendant committed this crime.

Exhibit B of the bill of particulars, or the supplemental bill of particulars, relates to the questions and answers asked this defendant with respect to the publication committee upon which Count 2 is based.

This bill of particulars reads this way, with Mr. Adamson, who is the counsel of the committee, not one of the members, discussing a publication of the National Council known as the Reporter, and he called to the defendant's attention to a statement in the issue of October 15, 1945, and this is at page 1 of the supplemental bill of particulars, and he called attention to a particular statement in that bulletin or that Reporter, which said, and it is quoted: "The Soviet case"—I should read the full question.

"On October 15, 1945, in discussing the procedural discussions at meetings between the three great powers, that is, Great Britain, United States and Russia, your bulletin goes on to say: 'The Soviet case, even on the issue of procedure, stands out far better than the position of the United States.'"

Then there is considerable colloquy between Mr. Adamson and the defendant, and on page 3 of the supplemental bill of particulars, the defendant states that this is written by a publication committee.

Mr. Adamson thereupon asks, still on page 3: "Who is the committee?"

This is the question upon which the defendant is being prosecuted for failure to answer, and that forms the basis of Count 2 of the indictment, and on the basis of this bill

of particulars which I now, as I take it before the Court as if they were in the indictment itself, I think Count 2 should be dismissed on its face as indicating that the basis for the question or the question itself was not pertinent to any question properly before this committee.

. . . . . .

69 The Court: I will deny the motion.

Motion to Exclude Government Workers From Jury

Mr. Horsky: Before the jury is called, may I request you to exclude Government workers from it under the circumstances of this case?

The Court: That is denied.

Mr. Horsky: Would you care to hear any argument on it at all? May I have an exception to that ruling?

The Court: Yes. You may exercise challenges you deem proper.

Mr. Horsky: The jury list indicates I cannot exclude all Government workers with three challenges.

The Court: Very well.

Mr. Horsky: Is my position adequately protected on the grounds of my request? Is my position sufficiently protected on the record?

The Court: The record shows you requested it

70 and it has been denied.

Mr. Horsky: Aren't you interested in the grounds upon which it is made?

The Court: Call the jury panel.

(Thereupon the jury panel returned into the courtroom.)

(Thereupon the jury was sworn on voir dire examination.)

Mr. Isserman: We have some questions we would like to submit. One section in the latter portion deals exclusively with jurors in Government work (handing a paper writing to the Court.)

110-A **Questions for the Jury Panel**

1. Does any member of the panel know Mr. Murray, Assistant District Attorney, who is assigned to prosecute this case, or anyone else in the District Attorney's Office?

2. Has any member of the panel formed any opinion as to the guilt or innocence of the defendant?

3. Does any member of the panel know any Congressmen who are now or who have been members of the House Committee on Un-American Activities?

110-B 4. Does any member of the panel know any employee or member of the staff of the House Committee on Un-American Activities?

5. Does any member of the panel know any person who works or has worked as an investigator or undercover man for the House Committee on Un-American Activities?

6. Has any member of the panel testified before or given information to the House Committee on Un-American Activities?

7. Does any member of the panel know any person who has testified before or given information to the House Committee on Un-American Activities?

8. Has any member of the panel read transcripts of hearings or reports of the House Committee on Un-American Activities?

9. Is any member of the panel or any member of his family friendly with, related to or associated with any person who is now or ever has been associated with the Federal Bureau of Investigation?

10. Does any member of this panel know any employee of this court?

11. This case involves an officer of the National Council of American-Soviet Friendship, Inc., (the purpose of which is to promote friendship between the U.S.A. and the U.S.S.R.), on a charge of contempt of the House Committee on Un-American Activities. In the light of these

110-C facts, do you believe that if you were selected as a

juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in your employment?

12. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in your business realtionships?

13. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you in any political or any other organization of which you are a member?

14. Because of the nature of this case, do you believe that if you were selected as a juror and you came to the conclusion that a verdict of not guilty was required, that this would embarrass you among your family, friends or acquaintances?

15. Is any member of the panel engaged in business, a profession or trade concerned with Government employees to any substantial extent, whether patrons, clientele or customers?

16. Is any member of the panel an employee of the Government?

17. Is any member of the panel an applicant for a GS-9 position with the Government?

18. Is any member of the immediate family of any member of this panel a Government employee or an applicant for a Government position?

19. Is any member of the panel or a member of his immediate family associated with, or has any member been associated with, any agency, either public or private, engaged in detection of law violations?

20. Is any member of the panel or a member of his immediate family associated with any person who is now associated with any agency of law enforcement?

21. Are any members of the panel or members of their immediate family receiving pensions or other benefits from the Government or any of its agencies?

22. Does any reason suggest itself to any one of you why you should not sit as jurors in this case and render a fair and impartial verdict solely on the evidence and under the instructions as to the law given by the Court?

23. Have you heard or read anything about this case?

24. Is any member of the panel or a member of his immediate family a present or former member of any of the following organizations?

Americans for Democratic Action

. . . . . .

116 E. National Economic Council

Small Businessmen's Association

Christian Front

America First Committee

National Committee to Keep Out of Foreign Wars

Constitutional Educational League

We The Mothers

Coalition of Patriotic Societies

Ku Klux Klan

American Anti-Communist Association

Knights of Columbus

American Legion

Columbians, Inc.

25. Is there any member of the panel, or member of his immediate family, a member of or affiliated with any organization, society, lodge or fraternity which by resolution or otherwise has taken a position opposing cooperation or friendship between the United States and the Soviet Union?

26. Is there any member of the panel, or member of his immediate family, a member of or affiliated with any organization, society, lodge or fraternity which by resolutions or otherwise has denounced the Soviet Union or its policies?

27. Is any member of the panel opposed to cooperation of

friendship between the United States and the Soviet Union?

28. Has any member of the panel denounced or
110-F approved of the denunciation of the Soviet Union?

29. Has any member of the panel read any of the following papers or periodicals: The New Leader, The Militant, The Tablet, The Cross and Flag, The Crusader, The New York Enquirer, The New York World Telegram, The Washington Times-Herald?

30. Has any member of the panel listened to the radio broadcasts of Henry F. Taylor, or Fulton Lewis, Jr.?

31. Has any member of the panel read or discussed any matters either in the newspapers or in any books or Government publications relating to the National Council of American Soviet Friendship, Inc.?

32. Would your judgment of the defendant's guilt or innocence be affected by the fact that the defendant has criticized the House Committee on Un-American Activities?

33. Would your judgment of the defendant's guilt or innocence be affected by the fact that the proceedings against the defendant which resulted in this trial were initiated by the House Committee on Un-American Activities?

34. Would your judgment of the defendant's guilt or innocence be affected by the fact that the defendant and the organization of which he is an official has on occasion expressed criticism of U. S. policy toward the Soviet Union?

35. Does any member of the panel believe that persons or orgainzations within the United States who ex-
110-G press such criticism are un-American or subversive?

36. Has any member of the panel read any articles or heard any lectures or sermons condemning individuals or organizations in this country who criticize U. S. policy toward the Soviet Union?

37. Does any member of the panel have any prejudice against any individual or orgainzation who is sympathetic

fashion publishes facts about conditions of life and work in the Soviet Union?

GOVERNMENT WORKERS

38. In what department or service are you employed?

39. How long have you worked there?

40. In connection with your work, have you been questioned about alleged subversive activities or persons or organizations engaged in such activities by any person in authority?

41. Have you had any discussions with other employees on questions concerning subversive activities or persons or organizations engaged in such activities?

42. Have you ever been questioned by your superiors or by persons in authority on alleged subversive activities or persons or organizations engaged in such activities?

43. Have you ever been questioned by investigators of the Civil Service Commission?

44. Have you ever been questioned by investigators of the Federal Bureau of Investigation?

45. Have you ever been questioned by investigators of the Department of Justice?

46. Have you ever been questioned by investigators of the department in which you work?

* * * * *

47. Have you read or heard about the Presidential Executive Order which provides for the investigation and purge of Government workers for alleged disloyalty?

48. Have you discussed the Presidential Order?

49. Do you know that at present a loyalty check of Government workers is being conducted pursuant to the Executive Order of the President?

50. Do you know that in connection with such loyalty check, investigations of Government employees are being conducted?

51. Do you know that in connection with such loyalty check, a Loyalty Review Board has been appointed and is functioning?

52. Do you know that in connection with such loyalty check the Attorney General of the United States has published a list of subversive groups and organizations which is used in connection with such checks?

110-I 53. Have you read or seen the Attorney General's list in the newspapers or elsewhere?

54. Have you discussed the organizations on that list with anyone?

55. Pursuant to the Executive Order providing for a loyalty check of Government employees, the records and files of the House Committee on Un-American Activities are to be used in the investigation of Government employees. In view of that fact and the fact that the House Committee on Un-American Activities initiated the proceedings which resulted in this trial, have you any fear that if you were required on the evidence in this case to acquit the defendant, that your action in so doing might prejudice you in any way in your Government employment?

56. Would you have any fear, in view of the above, that your vote for acquittal in favor of the defendant may some day be used against you in your work or elsewhere, or subject you to criticism or ridicule in any way in connection therewith?

57. Friendly or sympathetic association with persons or organizations engaged in alleged subversive activities is a ground for discharge under the President's Executive Order. In view of this fact, do you or do you not believe that because of the nature of this case, if you found the defendant not guilty you might be charged with disloyalty and prejudice your job?

110-J 58. Do you believe it part of your obligation as a Government employee to be hostile to persons or organizations engaged in alleged subversive activities?

59. Have you, as a result of the Executive Order on loyalty or for any other reason, developed a prejudice against alleged persons or organizations engaged in alleged subversive activities as listed by the Attorney General?

60. Would your employment by the Government make you influenced in any way to the Government's side of the case as against the defendant?

. . . . . .

70 The Court: I will deny number 10.

That is a matter of proof, the purpose of this association, so I will strike that question.

Mr. Isserman: Which number was that?

The Court: Number 11.

57 is denied.

. . . . . .

74 The Court: I don't think 35 is proper.

Mr. Murray: I object to 35.

Mr. Isserman: You are ruling out 35?

The Court: That is right.

. . . . . .

75 The Court: 47, 48 and 49 go out.

50 goes out and 51 goes out.

Mr. Isserman: 50 is out and 51?

The Court: Yes, they are out.

52 is out. 11, 12, 13, 14, and 15, are out.

53 and 54—55 is out. How about 53 and 54?

Mr. Isserman: 53 is based on 52.

The Court: I understand that but 52 is out and 53 is in or I will put it out. I will change it if you want.

Have you read the Attorney General's list?

Mr. Isserman: From what?

The Court: The loyalty check. Have you read—you say this is on the list, this organization?

Mr. Isserman: Yes, sir.

The Court: We will change it. 53 is out.

57 is out. 58 would be putting in fear. 56 is out.
58 is out and 59 is out, and 60 remains.

. . . . . .

76 Mr. Isserman: May I state for the record that the National Council of American-Soviet Friendship, Inc., of which the defendant is executive director, was named by the Attorney General on the list of alleged subversive organizations.

The Court: I am going to ask them that question, if they know who is on the list. If they haven't read the list, they don't know.

Mr. Isserman: I would like it indicated.

The Court: No, I am not going to make any reference.

Mr. Isserman: We would like to indicate this for the record, and I state the list was to be used in connection with the loyalty check of employees under Presidential Executive Order.

The Court: Very well.

. . . . . .

Mr. Isserman: We ask the questions addressed to government workers be addressed to them outside of the
77 presence of the other jurors.

The Court: No. I will not do that.

Mr. Isserman: May I explain the reason?

The Court: Yes.

Mr. Isserman: The reason is we have to question the Government workers of their knowledge of the existence of the list and by asking questions of them.

The Court: Only if they answer in the affirmative, that they have seen the list.

Mr. Isserman: The question itself may suggest to some jurors the existence of a list, and I think that we should have the right to do that, and we have considered the problem very carefully, and we feel—

The Court (interposing): I will ask the whole panel whether they have seen that list.

Mr. Isserman: We prefer that question not to be asked that way.

The Court: I will do one of two things: I will ask the entire panel about that list or ask the Government employee about this list, and I am not going to separate these jurors and question them piecemeal. You can do which ever way you want.

Mr. Isserman: May we confer on that for a moment, because may want to withdraw the question.

78 The Court: Certainly.

Mr. Isserman: In view of the Court's ruling, we prefer that question 52 be not asked of any jurors.

The Court: You mean 53, about the Attorney General's list?

Mr. Isserman: Yes; 53.

The Court: All right. 54 automatically comes out.

Mr. Isserman: That is right; 54. We are in the same position on question 54.

. . . . . .

86 The Court: Counsel for the defense have requested certain questions be asked of the prospective panel, which the Court has granted, and I will ask those questions.

. . . . . .

87 The Court: Is any member of the panel opposed to cooperation or friendship between the United States and the Soviet Union?

88 Juror Courter: As an economist, I believe it is impossible.

. . . . . .

90 The Court: The following questions are for those on the panel who have indicated that they are employees of the United States Government.

Mr. Hill, in what department are you employed?

Juror Hill: Internal Revenue.

. . . . . .

91 The Court: Mr. Courter, where are you employed?

Juror Courter: With the Securities and Exchange Commission.

. . . . . .

The Court: Mr. James?

Juror James: Bolling Field, D. C.

. . . . . .

92 The Court: Mr. Jackson?

Juror Jackson: National Gallery of Art; been there eight years.

. . . . . .

94 The Court:

. . . . . .

Pick the jury.

. . . . . .

The Deputy Clerk: Jurors please answer as your names are called and take your places in the jury box.

. . . . . .

95 The Deputy Clerk: Anson Courter.

The Deputy Marshal: Two.

. . . . . .

The Deputy Clerk: Clarence Hill.

The Deputy Marshal: Number six.

. . . . . .

The Deputy Clerk: Willie Jackson.

The Deputy Marshal: Number eight.

The Deputy Clerk. David James.

The Deputy Marshal: Number nine.

. . . . . .

97 Mr. Isserman: The second challenge for cause we are about to make is Juror No. 2.

The Court: Why for cause, because he says in his opinion as an economist there can't be friendly relations between the United States and Russia?

Mr. Isserman: If Your Honor doesn't allow it for cause, I would like to question him further.

The Court: What is the further question?

* * * * * * * * * * *

98 Mr. Isserman: I would like to ask him whether because of his expressed view he harbors any prejudice against an organization which works for American-Soviet friendship.

The Court: Suppose he says yes, what?

Mr. Isserman: We would then ask he be removed for cause on that ground. Your Honor will not grant that, that I question also whether he isn't prejudiced against any such organization, and a series of further questions that suggest themselves, depending on his answer?

* * * * * * * * * * *

100 The Court: * * *

Your other challenge for cause is Juror No. 2, Mr. Courter.

Mr. Murray: The one who said cooperation between the governments was impossible?

The Court: Yes, he is an economist, and he thought it would be—that challenge for cause is denied.

Mr. Murray: There was a request for a further 101 question to him.

The Court: I will grant the further question.

* * * * * * * * * * *

Mr. Isserman: May we have the opportunity to prepare some additional questions on both Juror 2 and 12?

The Court: No, I am not going to have—you can ask them right now, through me. What are they? No. 2, you have told me that.

Mr. Isserman: There may be some other questions, depending on his answer. If Your Honor wants me, I can extemporaneously note a number of questions.

The Court: I am not going to use up a number of questions. I am getting a jury this afternoon in this matter.

Mr. Isserman: The man has indicated.

The Court: I am not going into this question of somebody heard a broadcast about Soviet Russia, or because a person doesn't believe, because of his economic views—

Mr. Isserman: What we would like to do is pursue that further to see whether his economic views will affect this particular situation.

The Court: I will allow that.

Mr. Courter, is it?

Mr. Courter: Yes.

The Court: Juror No. 2, you answered Question No. 27—in your opinion as an economist—

102 Mr. Courter: Yes.

The Court: —friendship between the Soviet and the United States is impossible.

Mr. Courter: May I state that I am simply stating that over a long period of time the ultimate consequence of the economics of Engels and Marx would lead to the necessity of any country holding those views subjugating the United States or any other political division.

The Court: My question to you is because of your opinion based upon it as an economist that would be impossible, would that prejudice you against this defendant here?

Mr. Courter: I don't think so. I have equally strong opinions about some members of the Un-American Committee.

The Court: Very well.

Mr. Courter: Which I could disassociate myself from.

Mr. Isserman: What was the last?

The Court: He has just as many strong opinions about members of the Committee on Un-American Activities.

. . . . . .

108 The Court: Have you any peremptory challenges?

. . . . . .

Mr. Isserman: If the Court please, the defense asks that Juror No. 10 be excused.

The Court: Mr. Jessen, you are excused.

. . . . . .

Mr. Isserman: If the Court please, may we have Juror No. 1 excused.

The Deputy Clerk: Delia Lowe, Juror No. 1, you are excused from serving on this panel.

. . . . . .

Mr. Isserman: If the Court please, may Juror No. 12 be excused?

The Court: Very well.

The Deputy Clerk: Rafael Nieves, Juror No. 12, you are excused from serving on this panel.

. . . . . .

John W. Carrington was called as a witness on behalf of the United States:

(Minority clerk of House Committee on Un-American Activities)

Mr. Murray: Your Honor, I am prepared to offer it. I understand counsel have objections to make. I do now offer in evidence Government's Exhibit No. 3.

Mr. Horsky: May I ask one or two preliminary questions before stating the objection?

Mr. Carrington, is that a record from the files of the Committee on Un-American Activities?

The Witness: Yes, sir.

Mr. Horsky: By whose authority did you get it from the files?

The Witness: This was—

Mr. Murray: Just a moment. I object to that question. I don't think it is relevant in connection with the identification of an exhibit.

The Court: I will sustain the objection.

Mr. Horsky: I object to the admission in evidence of this exhibit on two grounds, Your Honor.

First, that it is unauthorized—that it isn't the authorized production here in court of the document of the committee according to the rules as we have been told they apply.

Second, we object to it on the ground it is an invalid request upon this defendant.

We will have evidence to introduce on that subject in accordance with the instructions of Mr. Justice Holtzoff. I don't wish to introduce that evidence now unless Your Honor would care to have that done at this time. So long as my objection to it on that ground is preserved, I don't object to the introduction.

The Court: It may be admitted and your objection is preserved.

. . . . . .

127 By Mr. Murray:

Q. Mr. Carrington, from the group of papers you have just brought into court, I have taken these which I now show to you which are marked Government's Exhibits 4 to 10, inclusive, and ask you whether they are from the files of the Committee on Un-American Activities of the House of Representatives? A. Yes, sir, they are.

. . . . . .

128 Mr. Murray: Your Honor, the papers which I have had identified are, as far as I know, the only ones which the Government proposes to make use of, but the witness has produced this envelope containing other papers, and if the defendant may want to make use of them, I shall now ask the witness this general question.

. . . . . .

129 By Mr. Murray:

Q. Mr. Carrington, all the papers which were contained in this manila envelope which has just been marked Government's Exhibit 11 were from the files of the committee? A. Yes, sir.

. . . . . .

135 Q. You have been shown, Mr. Carrington, Government's Exhibits 4 to 10, which have been marked for identification and I believe your testimony was that they were taken from the committee files? A. That is correct.

Q. Now, you took them from committee files at whose instructions, can you tell us? A. From the chairman.

136 Q. And who was the chairman of the committee? A. John S. Wood, Congressman John S. Wood.

. . . . . .

John S. Wood was called as a witness on behalf of the United States.

139 By Mr. Murray:

Q. Mr. Wood, your full name is John S. Wood? A. Yes, sir.

Q. And you are Member of Congress from what State, sir? A. Georgia.

140 Q. How long have you been a member of Congress, Congressman Wood? A. Altogether?

Q. Yes, sir. A. Seven and a fraction years.

Q. Are you a member now of the Committee on Un American Activities of the House of Representatives? A. I am.

Q. And were you chairman of that committee at one time? A. Yes, sir.

Q. What period, sir? A. From July, 1945, until January 1, 1947.

. . . . . .

142 Q. Did you conduct the hearing at which Mr. Morford appeared? A. I did. I participated in it. The chief counsel did some of the questioning, and some other members of the committee did some, but I was the chief interrogator.

Q. Did you conduct the hearing, did you preside? A. I did.

Q. By the way, do you recognize Mr. Morford in court here? A. Yes, sir, I believe that is him, right over there.

. . . . . .

By Mr. Murray:

Q. Did you have a mailing list? A. There were different kinds of mailing lists I think, there were people who contributed, there were people who subscribed to this sheet, the Reporter; there were people that we invited to speak at dinners and meetings, yes, there were a number of lists.

Q. Was any money contributed to this organization by Russia. A. No.

Q. Was any money contributed by the Communist Party? A. No.

Q. Did you have a complete list of the contributors for the year 1945? A. Did I personally?

Q. I am speaking of the organization when I use
345 the word "you." A. Oh, I should say so.

Q. Did you have a complete accounting of the expenditures which this organization made? A. Yes.

Q. Now, you didn't furnish a list of contributors to the Treasury Department, did you, sir?

Mr. Isserman: If the Court please, that is not material.

The Court: Just a minute, let him answer the question.

Mr. Isserman: I object to it.

The Court: You brought it in.

Mr. Isserman: I was going to make a concession.

The Court: No, I don't want any concession. Let the witness answer the question.

The Witness: I don't know, Mr. Murray; if it was necessary to get the tax exemption, if it was part of the Treasury Department regulations, we carried out all the regulations.

By Mr. Murray:

Q. Mr. Isserman says you furnished information to the Treasury Department. You answered that without showing any bewilderment about the question. What did you mean by information when you said you did furnish it? A. I mean by that filling out the regular forms to get tax exemption giving the activities of the organization, its officers, its income for a certain period, what the expenditures were, and so forth.

346 Q. You did not mean in that answer to say that the National Council of American-Soviet Friendship furnished a complete list of the contributors to the Treasury Department, did you? A. No.

Q. You are not prepared now to say that it ever did that, are you? A. Well, the Treasury Department recently went over all our finances.

Q. No, Mr. Lamont, the last question, I think, is simple; are you prepared now to tell the Court that your organization turned over a list of its contributors for the year 1945 to the Treasury Department? A. I don't think so. I don't think they were interested in that.

Q. No. And, therefore, this answer you made to Mr. Isserman was not intended to convey the meaning that you gave the Treasury Department the information that the Committee on Un-American Activities was trying to get from you? A. No.

Q. You never did give that information to the congressional committee or any other Government agency, did you?

Mr. Isserman: Is that without limitation to time, Mr. Murray? You said "never."

Mr. Murray: Inasmuch as the witness expressed it—

347 The Witness (interposing): As I understand it, recently the Treasury Department did have investigators in our office who did see all these lists.

By Mr. Murray:

Q. When was that? A. That was within the last year, mostly during 1947, and we made no objection.

Q. You were excluded from the preferred list, if that is the proper word, by the Treasury Department by reason of that investigation, weren't you? A. Yes.

Q. Now, doesn't that refresh your recollection, Mr. Lamont, that you did not give your list of contributors to the Treasury Department, contributors for the year 1945? A. Certainly not, I mean we did not.

Q. You did not do that? A. No, they didn't ask for it.

. . . . . .

352 Mr. Lester: I also understand there was no action in Congress concerning our subpoenas on the records.

* * * * * * * * * *

357 Mr. Lamont, are you the owner of any Equitable Insurance Company stock?

Mr. Isserman: If the Court please, at this time I would like to object to this question on the ground it is irrelevant.

The Court: Objection overruled.

Mr. Horsky: May I add the Equitable Insurance Company is a mutual company and has no stock?

The Court: He can say so.

Mr. Isserman: He may not know that.

The Court: He can say that.

Mr. Isserman: It assumes a fact not in evidence.

358 There is no evidence this company has any stock. I object to the question on that.

The Court: Objection overruled.

By Mr. Murray:

Q. What is your answer, Mr. Lamont?

* * * * * * * * * *

A. I don't know, though I doubt it very much.

Q. Do you know that the Equitable Insurance Company has heavy financial interests in Russia and has had for many years?

Mr. Isserman: I object to the question on the ground it assumes facts not in evidence. It is not proper cross examination and is irrelevant.

The Court: Objection overruled.

The Witness: You state it as a fact——

Mr. Murray: No. No, I was asking a question, sir. I can't state facts. You are the one to do that.

Mr. Isserman: If he knows it.

The Witness: I know it only in the sense that you

359 told me so yesterday.

* * * * * * * * * *

Q. Are you now saying, sir, you are not aware of any financial interests that you, yourself, have indirectly or directly in property in Russia?

Mr. Isserman: I object to that question on the ground it is irrelevant.

The Court: Objection overruled.

Mr. Isserman: It assumes facts not in evidence.

The Witness: Well, in view of the fact that I am—in view of the possible definition of the word "indirect" which would take in the possible financial activities of my father and J. P. Morgan & Company, and all of those in-
360 terests throughout this country and the world, I could not say for use, if I am to be hitched up in that way, that I had no indirect financial interest in the Soviet Union.

By Mr. Murray:

* * * * * * * * *

Are you aware—I will repeat the question—Are you aware at this time of having any financial interest in Russia, directly or indirectly, yourself?

Mr. Isserman: I object to that question because it calls for a conclusion on the part of the witness and the condition of a state of mind. The question is not designed to elicit any facts.

Mr. Murray: If the Court please, if he is aware of any such interest it would have a very serious bearing upon the reliability of his opinions and statements as a witness in this case.

The Court: I will let him answer.

The Witness: I am certainly not aware of it except in the sense you have raised the possibility in my mind.

By Mr. Murray:

Q. Mr. Lamont, I am not trying to build up anything over what you know yourself. I am asking you are you personally aware of a financial interest in Russia
361 yourself, directly or indirectly? A. Over what period of time?

Q. Now, or for the last 20 years.

Mr. Isserman: Let us get one question at a time, if Your Honor please. The question now is in the alternative.

The Court: He can answer both now.

Have you got any now?

The Witness: No, I am not aware of any such.

The Court: Did you ever have any?

The Witness: I said on the stand yesterday for a period I had a few Soviet bonds in my possession.

By Mr. Murray:

Q. Did you realize upon the bonds?

Mr. Isserman: May I get that question?

By Mr. Murray:

Q. Did you realize upon them, did you liquidate them, did you get money for them? A. Oh, you bet.

Q. That was in 1938? A. I am not sure of the exact time, but there was also interest on them.

Q. How much was that, roughly? A. Well, some were 10 per cent and some were 7 per cent.

Mr. Isserman: That is the interest you are referring to.

362 The Witness: The interest, yes.

* * * * * * * * *

363 By Mr. Murray:

Q. Did your father contribute to the National
364 Council of American-Soviet Friendship? A. Not to my knowledge or belief. I hope you are not trying to prove my father was subversive.

* * * * * * * * *

By Mr. Murray:

Q. Mr. Lamont, did the National Council adopt a resolution to the effect that its records would not be given or shown to the Committee on Un-American Activities?

Mr. Isserman: I object to that, if the Court please, as not being relevant to any issue in this proceeding.

The Court: Objection overruled.

The Witness: As I remember it, Mr. Murray, and I think this is in other testimony, such as Mr. Morford's testimony before the committee, the only resolution that the Council as an organization passed was to ask Mr. Morford as custodian of our records to protect them to the best of his ability with advice of counsel.

By Mr. Murray:

Q. Did you participate in the meeting which resulted in that resolution, if that is what it was? A. I think
365 so yes. Yes, I must have.

Q. You know what happened, then, don't you, other than what Mr. Morford testified about? A. Well, I am trying to explain it as best I can from memory. You know, I am not omniscient, even on the ffairs of this organization. This is the way——

Q. I was just thinking you might remember having attended a meeting? A. Yes, I do.

Q. At which it was determined these records would not be given to the committee.

Mr. Isserman: I object to that question. It is not based on the witness's answer. He did not say it was decided not to turn the records over. His testimony is the custodian was told to protect the records, and advise with counsel.

The Court: The question is did he attend the meeting when it was discussed.

Did they decide not to turn the records over?

The Witness: I already had stated, your Honor, the resolution of the Council was that Mr. Morford as custodian of the records should protect them to the best of his ability.

The Court: The question now is you were present at that meeting?

The Witness: Yes. Yes.

366 By Mr. Murray:

Q. And was Mr. Morford present at that meeting? A. I don't know. I think he probably was, but I don't know, I am sure.

* * * * * * * * *

367 Q. I will ask you this. Wasn't that—what do you call it, sir—would you call it an agreement? Was it a resolution?

* * * * * * * * *

The Witness: It was a resolution.

By Mr. Murray:

Q. Was that resolution agreed upon before you, yourself, came before the committee, January 23, 1946? A. I don't remember the date of the resolution, frankly.

Q. You don't remember it in connection with your own appearance? A. What was the date of my appearance?

Q. January 23, as I understand it.

Mr. Isserman: Well, that is one appearance.

368 There were others.

The Witness: I don't remember. I frankly don't remember the exact date. It was some time around there.

By Mr. Murray:

Q. Mr. Lamont, I am not asking you for the date. In fact I could be wrong in stating the date in my question. I am asking you for the order of events, whether that resolution was adopted before you came before the committee yourself? A. Well, I don't know. I don't remember.

Q. In other words, so far as your present memory is, it may be that when you came before the committee yourself, which I believe, was on January 23rd and gave testimony——

A. Interposing): No, I didn't give testimony on January 23rd, I think.

Q. Did you give testimony before the committee at any time? A. Yes.

Q. All right. Had that resolution been passed before you gave testimony, or had it not been? A. I am just not certain about that.

* * * * * * * * * *

369 By Mr. Murray:

Q. Now, Mr. Lamont, you, yourself, testified before
370 the House Committee on Un-American Activities, did you not? A. Yes, sir.

Q. You were asked for records, you were asked to produce records, were you not? A. Right.

Q. That is the very records Mr. Morford was later summoned to produce? A. That is correct.

Q. You did not produce them, did you? A. No.

Q. And you told the committee that the reason you were not producing them was that you were not the custodian, didn't you? A. That is correct.

Q. I will ask you if you didn't know then that neither Mr. Morford nor anybody else was going to produce records of that Council before the committee, whether summoned to do so or not?

* * * * * * * * * *

371 The Witness: I don't see how I could have known that.

By Mr. Murray:

Q. Is it your testimony you did not know or believe it?

* * * * * * * * * *

The Witness: No, I would have no knowledge I would not have knowledge of that state of mind on the part of another person, or line of conduct.

By Mr. Murray:

Q. Is it your testimony there, sir, do you mean to say that so far as you knew when you told this Committee on Un-American Activities you were not producing the records because you were not custodian, so far as you then knew

Mr. Morford might produce them, if he were summoned? Is that your testimony? A. Well, my testimony
372 would be that the possibilities were open. I didn't even know Mr. Morford was going to be subpoenaed at that time, or that there would be further persecution of our organization.

In fact, I urged the committee to drop the matter then and there as not pertinent to investigation on Un-American activities.

• • • • • • • • • •

373

James Hardin Peterson was called as a witness on behalf of the defendant, and having been duly sworn, testified as follows:

Direct examination

By Mr. Isserman :

Q. State your name and address, please, Congressman. A. Sir?

Q. State your name and address, please A. James Hardin Peterson, home address Lakeland, Florida. My business address is Washington, D. C.

Q. Congressman, you are a member of the House of Representatives at this time? A. Yes, I am.

Q. And you were a member of the House of Representative sat the period between January 3, 1945, and January 1, 1947? A. Yes.

Q. And were you in that period a member of any committees of the House? A. Yes, it was. I was on a number of committees of the House.

374 Q. Did that membership include the Committee on Un-American Activities? A. Yes. I am not sure of the exact date I went on the Committee of Un-American Activities, but it was after the committee became a permanent committee of the House. I was not on the old Dies Committee, but after the House adopted the rule making it one

of the standing committee of the House, I was appointed to that shortly after that.

Q. I show you Government's Exhibit No. 2 and ask you if that is the resolution subsequent to which you were appointed to the committee, subsequent to the adoption. A. I was appointed to the committee after this resolution.

Q. And very shortly? A. Afterward, reasonably shortly afterwards, yes.

Q. Within a few days? A. I am not sure when they passed the general resolution on the committee, because they wait until the committee meets first, and then report. I would say within about——

Q. About January 1, 1945, you were a member of that committee? A. That is right.

Q. Did you attend the first organizing session of that committee, as you recall? A. I don't recall. I attended one of the first two or three, in the early part. At
375 that time I was on six or seven commiteees and was chairman of one, and chairman of a subcommittee, another subcommittee, and when there was conflict in committee meetings, I had to choose which was most important.

Q. Do you recall at the early sessions of that committee in the early part of 1945 that the question came up defining the terms contained in the resolution under which the committee was acting, namely, the term "American propaganda activities" and the term "subversive and un-American propaganda" that is instigated from foreign countries or of a domestic origin and attacks the principles of the form of government as guaranteed by our Constitution?

• • • • • • • • • •

Mr. Murray: I do object. This is, of course, of a preliminary nature, but it is quite obvious counsel is pursuing a line of inquiry as to the meaning or meanings which may have been discussed or even adopted as a general working principle by the committee in functioning under this resolution.

My objection is based on this ground, that we are
376 here trying the question of pertinency of records of a particular organization and the only question of pertinency in connection with that issue is in what way the resolution was applicable to this particular organization, the National Council, and any discussion of general meaning to apply to all organizations is beside the point.

Mr. Horsky: Your Honor, I would like to state Mr. Murray is correct in his interpretation of what the line of questions is going to be. I think it is too soon to object. I don't make any point of that.

We do contend we are entitled to prove, and we intend to prove if permitted, what the definition of the words "un-American" and "subversive," as adopted by this committee was.

The basis for this testimony and the reason we have introduced it now that we contend there is in this case a question whether, as I have explained to you earlier, the definition of un-American and subversive as contained in House Resolution 5, which is the resolution under which this committee was operating, plus the terms of the statute under which this defendant is indicted, which makes refusal to answer only pertinent questions criminal, furnishes no sufficient standard of guilt upon which one can test whether or not he should answer a question.

As I said to you before, Mr. Justice Holtzoff heard argu-
ment on this question, based on what we were able to
377 bring to his attention by way of judicial notice which were, by and large, actions of the committee as expressed in its published reports.

We think that we are entitled to introduce evidence of two sorts on this question.

One sort will go to what the definition of the words "un-American" and "subversive" is in common usage and by way of common understanding.

But we conceive it also to be important to show what the committee's interpretation of this word was by those formal actions.

I assume that it could be argued and no doubt will be argued by the Government if they believe there is a basis for it that a witness summoned before this committee when asked a question or when asked to produce a document, not only must decide for himself whether in terms of the possible meaning or the common meaning of these words, the documents were pertinent, but also is charged with knowledge of what the committee has adopted as an interpretation of the word or these phrases, because I assume that by virtue of the reenactment of this resolution from time to time by the Congress it may properly be urged that the committee has given a context which the witness should at his peril know, even though it hasn't the context of the dictionary or other places.

378 It is a substantial constitutional issue. There are facts which we think will help elaborate that constitutional issue.

. . . . . .

382 To state the argument briefly, we want to introduce evidence through this witness and through other witnesses that the committee had adopted no standards, and in fact the committee's action indicated there were no standards, and that no definition can be supplied for this word "un-American" or this word "subversive" as used in that resolution.

That is the purpose of these questions, and I respectfully submit that the question should be allowed for that purpose.

. . . . . .

389 The Court: I will sustain the objection of the Government to the question before this witness.

Mr. Isserman: May I have the last question repeated, please?

The Reporter: "Do you recall in the early sessions of that committee, in the early part of 1945, that the question came up of defining the terms contained in the resolution under which the committee was acting, namely, the term "American propaganda activities" and the term "subversive and un-American propaganda" that is

instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution''

Mr. Isserman: I would like to state for the record, if permitted to answer, this witness would testify in fact the House Committee on Un-American Activities, shortly after its organization in January 1945, did consider the necessity and found the necessity of defining the terms of the resolution under which it was operating.

* * * * * * * * *

391 By Mr. Isserman:

Q. At a committee session, did not Congressman Hart on or about January 1, 1945, state that there was a need for the definition of the terms mentioned in the resolution under which the committee functioned?

Mr. Murray: I object to that.

The Court: Sustained.

392 Mr. Isserman: The witness, if allowed to answer, would answer this question in the affirmative. I offer to prove that.

Mr. Murray: Your Honor, I don't understand an offer of proof is proper in cross examination of a witness. If the question is relevant and is improperly excluded, I don't see the necessity for offering proof, especially when, as in this case, as after the first observation of counsel he is not able to say from any information from the witness what he would testify to.

Mr. Isserman: Our information with respect to this and similar questions is based on public statements made by the committee members, by statements they made in the Congressional Record, by matters said on the floor of Congress, by conferences we have had with a number of different sources which indicates the situation before the committee in the period concerning which we are questioning.

The Court: Unless you have talked to this witness you can't make any offer of what he would testify to any other questions.

By Mr. Isserman:

Q. On or about February 22, 1945, did not Congressman Mundt a member of this committee submit to the committee a copy of a letter he had sent to, as he described them, one hundred prominent Americans to ask them what their
393 conception of the term "un-American and subversive activities" was.

Mr. Murray: I object to incorporating in the question the substance of a document, if that is what you are trying to do.

Mr. Isserman No. If the witness is permitted and answers in the affirmative, I will identify the document.

Mr. Murray: I object to the question now.

The Court I will sustain the objection.

Mr. Isserman: I will undertake to prove, your Honor, through this witness——

Mr. Murray I object to that unless he was talking to him.

The Court I sustain the objection.

Mr. Isserman: May I state for the record the facts that we would elicit through this witness and other members of the committee?

Mr. Murray I object to anything elicited from this witness.

The Court: Objection sustained. From this witness, yes.

By Mr. Isserman:

Q. Congressman Peterson, you have attended deliberations of the Committee on Un-American Activities as a member of that committee in the period February 1,
394 1945, to January 31, 1946? A. Some of those.

Q. And in connection with your appearance before that committee was there any time that the committee

adopted any resolution in respect to the definition of the terms "un-American" or "subversive?"

Mr. Murray I object to that.

The Court: Sustained. The Court of Appeals in the Barsky case says that the clause "subversive and un-American propaganda that attacks the principle of the form of government as guaranteed by our Constitution" which is sub-clause 2 is definite enough, it conveys a clear meaning, and that is all that is required.

Mr. Isserman: If the Court please, we have not had the privilege of reading that. If your Honor would grant us a recess to consider this opinion and the balance of the proof in the light of it, we might be able to shorten it.

The Court: You ought to finish with the Congressman.

Mr. Isserman: I have a great many questions to ask the Congressman. I understand your Honor will not allow me to put on the record what I would elicit by those questions.

The Court: That is true.

Mr. Isserman: Then I will ask him the next question.

By Mr. Isserman:

Q. As a member of the committee did you not vote to submit to the Brookings Institute a series of letters
395 received by Congressman Mundt concerning a definition of the terms in the resolution?

Mr. Murray: I object.

The Court: Sustained.

By Mr. Isserman:

Q. Did not the Brookings Institute transmit to the Committee on Un-American Activities a report entitled "Suggested Standards which Determines Un-American Activities?"

Mr. Murray: I object to that.

The Court: Sustained.

Mr. Isserman: I take it I may not make any offer of proof?

The Court: That is correct.

• • • • • • • • • •

By Mr. Isserman:

Q. I show you Exhibit 90 for identification and ask you if you have ever seen a copy of this exhibit before?

396 A. It is my recollection I have.

Q. Didn't you see Exhibit 90 for identification, Congressman Peterson, in connection with the deliberations of the House Committee on Un-American Activities on the meaning of the terms in the resolutions under which it operates?

Mr. Murray: I object to that.

The Court: Sustained.

Mr. Isserman: I would like to offer in evidence Exhibit 90 for identification, Defendant's Exhibit 90 for identification, as bearing on our proof and offer to prove that the House Committee on Un-American Activities endeavored to reach a definition of the terms of the resolution under which it operates and in fact never reached such definition.

Mr. Murray I object to that, if the Court please.

The Court: Yes, that will be excluded.

By Mr. Isserman:

Q. Isn't it a fact, Congressman Peterson, that Congressman Mundt submitted to the House Committee on Un-American Activities on or about February 20, 1945, some 77 letters which he had received in answer to an inquiry sent out to representative Americans as to the meaning of the terms contained in the resolution.

Mr. Murray: I object to that, if the Court please.

The Court: Sustained.

Mr. Isserman: At this point, if your Honor please,

397 I will ask the Court to take judicial notice of the extension of remarks of Honorable Carl E. Mundt, found on page A-248 and A-249 of Volume 91 of the Congressional Record, January 22, 1945.

The Court: No, I will not. I take it Mr. Isserman, that that is the remarks of the Congressman in reference to these letters that were sent to various people, to which I sustained the objection.

Mr. Isserman: That is correct, your Honor.

The Court: Mr. Justice Edgerton in his dissent makes the very point you are making.

* * * * * * * * *

398 Mr. Isserman: Remembering the member of Congress came here under the limitation he would only have from 10:30 to 11, I believe was the arrangement, I want to say I will be obliged to ask this witness considerable more questions. We have perhaps some 80 or 90 questions we have to put to him.

The Court: What are the 80 or 90 questions you are going to put to him?

Mr. Isserman: The activities and the declarations of the House Committee on Un-American Activities show no application of any definition or ascertainable standard in regard to the terms of the resolution by which it determined

399 what was not un-American activities or what was subversive and un-American propaganda activities which attacked the principle of the form of government as guaranteed by the Constitution and all attempts upon Congress or the committee to explain the meaning of the key term "un-American," either in the original creation of this committee or the predecessor of this committee, which is the original Dies Committee, I think first created in 1938, or any of its succeeding committees, or the present committee involved in this case have been avoided or opposed. There has been a definite and successful intent to continue this committee without any restriction as to its scope and without any definition made of the terms.

The Court: I have ruled that out. Is that the purpose of calling these Congressmen?

Mr. Isserman: That is the purpose. I have one other set.

The Court: That set I have ruled is not proper. My question is, is that why you intended to call all these Congressmen down here?

Mr. Isserman: That, and other matters.

The Court: What is the purpose of your other set of questions. You said that is your first set.

Mr. Isserman: The Court is ruling out the first set of questions?

The Court: That is right. What is the next set?

400 Mr. Isserman: We would state we have a series of facts it would establish.

The Court: I understand that.

Mr. Isserman: The first set of questions, and we may not state on the record what those facts are.

The Court: That is correct. What is your second?

Mr. Isserman: The second set of questions we would ask this Congressman would be questions which would establish that the activities and declarations of the House Committee on Un-American Activities show no application of any definition or ascertainable standard in regard to the terms of the resolution, and that on the contrary these activities of the committee and declarations of the committee in the period between January 3, 1945, and January 2, 1947, indicate a power asserted and exerted without bounds or limitations, according to the prejudice and caprice of the members of the committee; these activities and declarations of the committee have consisted without significant exception entirely of investigations, reports, and public condemnation of persons and organizations engaged in expressions of opinion on political, economic, educational, social and legislative matters and in the advocacy—without suggestion of force or violence—and other peaceful activities pertaining thereto.

We are prepared to prove in support of this contention a series of facts taken from declarations of committee

401 members made publicly, from reports of the committee made to the House from time to time within the period specified, including Report No. 2233 dated June 7, 1946, Report No. 1996, dated May 10, 1946, Report No. 2742, dated January 2, 1947, and a further document issued by the committee not in form of a report, but pursuant to its resolution as stated within the document itself, which document was published by the Government Printing Office

at the instance of the committee, and which document is entitled "Investigation of Un-American Propaganda Activities in the United States, "Citations by Official Federal Government, Municipal or State Agencies, or Reliable Private Organizations Regarding the Character of the Organization Named." And that in the documents we have indicated and reports and in the other factual matters we would show that that charge was applied to that organization, that is, the National Council of American-Soviet Friendship, as well as to numerous other organizations, in sufficient quantity to indicate the pattern of this committee's activities.

The Court: That is excluded, too. I am not trying the committee, you know. I am trying the defendant.

Mr. Isserman: It seems to me the committee, by the way we see the issues in this case, is also on trial for activities exceeding its power and scope.

The Court: It certainly is not.

402 Mr. Isserman: I might say this evidence is not offered to try the committee. This evidence is offered primarily and exclusively on this point to show that the committee by its usage had no definition of the terms in the resolution and was guided solely by its own caprice and whims.

I would like to ask the Court to take judicial notice of the House committee's reports, numbers of which I have read, and I would like to mark for identification a fourth document, which is not in the form of a committee report, but which is now Defendant's Exhibit 91 for identification and which in the letter of transmittal by the chief counsel of the committee to the chairman of the committee dated May 28, 1946, indicates that the compilation was prepared according to the unanimous resolution of the committee. I would like to ask the Court to accept this document in evidence.

The Court: What is it? What did you say it was?

Mr. Isserman: This is a document called "Citations by Officials of the Federal Government or State or Municipal

Agencies or Reliable Organizations Regarding the Character of the Organizations Named."

The Court: That is excluded.

* * * * * * * * * *

405 **Honorable John S. Wood** was called as a witness by and on behalf of the defendant, being previously duly sworn, was examined and testified as follows:

Mr. Isserman: I take it, Your Honor, if we were to ask Congressman Wood the same questions we asked of Congressman Peterson, for the same purpose, that Your Honor's ruling would be the same?

The Court: That is correct.

Mr. Isserman: We have some additional questions we would like to ask the Congressman, a series of 50 or 60 questions and I could state for the Court's convenience what we would propose to prove with the answers elicited from the questions.

The Court: Very well.

Mr. Isserman: We would *establish by questions* to Congressman Wood—May I withdraw that for a moment?

May I say that the other Congressmen that we want to call and have subpoenaed are outside. The other Congressmen we would call are Congressmen Rankin and Thomas and Mundt, and they would be asked the

406 questions in the same fashion that we would ask Congressman Wood the questions. Might it be considered that we would put the questions, that if these Congressmen were called, we would put the same questions to them as well?

The Court: Very well.

Mr. Isserman: We would elicit by the questions the following facts: that the House Committee on Un-American Activities maintains a compilation or black list of individuals and organizations deemed to be un-American or subversive, or engaged in un-American or subversive activities, which compilations and lists are prepared without real investigation, ascertaintable standards, and without notice or

opportunity to be heard to the individuals and organizations placed thereon; that the black list data compiled by the committee is furnished to governmental agencies, public officials, including police officials locally and internationally, to members of Congress and their constituents, and to private employers, and is used by the committee and others to whom the material is furnished for the public condemnation and vilification of persons and organizations with the primary intent to burden, hamper, and destroy activities of such individuals and organizations, which activities are largely, if not wholly, concerned with the expression of opinion on political, economic, educational, social and legislative matters, with advocacy of such mat-
407 ters without suggestion of force or violence, and with other peaceful activities pertaining thereto.

We would also show by such condemnation individuals are threatened with loss of standing in their community, with loss of employment, public and private, and the organizations condemned and vilified suffered loss of prestige, withdrawal of membership, and loss of financial and other support;

That the National Council of American-Soviet Friendship, of which the defendant is the executive director, and in connection with which he has been indicted, had prior to this commencement of the inquiry by the committee, and subsequently, been placed on the black list by the predecessor committees of the House Committee on Un-American Activities, and by this committee, the one involved in this proceeding, because of disagreement by the said committee with the policies of American-Soviet Friendship lawfully advocated by the National Council of American-Soviet Friendship.

For the same reason, the House Committee on Un-American Activities has maintained the National Council of American-Soviet Friendship on its black list and condemned it publicly and in reports to Congress, and prior to the commencement of its alleged investigation of the National

Council of American-Soviet Friendship which resulted in the indictment of the defendant.

Thus when the subpoena was issued against the
408 defendant the House Committee on Un-American Activities had already passed judgment on the National Council of American-Soviet Friendship and was seeking to obtain names of persons participating in its activities and supporting it financially and otherwise, for the sole purpose of adding such names to its black list and to facilitate the committee's efforts to destroy the effectiveness of the National Council of American-Soviet Friendship in its advocacy of American-Soviet friendship by placing undue burdens upon such continued advocacy.

In connection with that we ask the Court to take judicial notice, in addition to the answers that would have been elicited from this witness, of the reports of the committee that have heretofore been referred to in connection with the questioning of Congressman Peterson, and an additional report of the Committee on Un-American Activities, which was the predecessor to the present committee, which report is number 2748, Seventy-seventh Congress, Second Session, and which report is dated January 2, 1943, with particular reference to Part 1 of that report which relates to the compilation, gathering, and indexing and use of the names.

We would also like to call to the attention of the Court and ask the Court to take judicial notice of examples of the black listing of individuals by this committee taken from the files of the committee and inserted in the Congressional Record in the period between January 3, 1945, and
409 January 2, 1947, and the examples we refer to are found in the following places:

92 Congressional Record, Appendix A-5229, A-5230, August 12, 1946.

* * * * * * * * *

92 Congressional Record pages 7721, 7722, June 26, 1946.

92 Congressional Record, that is Appendix, 5230, August 12, 1946.

92 Congressional Record, Appendix 1065, February 27, 1946.

Also we call attention to Congressional Record 91, page 36, January 4, 1945, containing a resolution turning over the records and files of the previous un-American activities committees to the committee that is established.

In the same connection, we wish to indicate that Defendant's Exhibit No. 91, marked for identification, and which was refused in evidence on a prior point is offered here as an example of the black listing. It is nothing but a
410 compilation of organizations——

The Court (interposing): Well, Mr. Isserman, this Court cannot pass on the comments of the congressional commitee.

Mr. Horsky. May I be heard on that?

The Court: No; I am excluding it all.

Mr. Horsky. I have a legal basis for it. I don't mean on the facts; I mean a legal reason.

The Court: Maybe I misunderstood you, Mr. Horsky. All right.

Mr. Horsky: I have indicated it to some extent already. I am not going to repeat myself, but it appears to us that it is proper, if we allege and attempt to prove that a congressional committee is acting in excess of its authority, that we may prove that properly, that is, whether or not there is a presumption the committee acts properly, and the presumption is not conclusive, and we can proceed if it is not conclusive. It is clear it is not an exclusive presumption that it is always right, and we are here to show, and we make an offer of proof that this committee is not acting within its jurisdiction in respect to the questions asked this witness and the documents which were demanded of the witness

The Court: Very well.

Mr. Isserman: I take it that any further identification of material in connection with this offer is now denied?
411 The Court: That is excluded; that is correct.

Mr. Isserman: We have one more set of questions, Your Honor, on which I will try to be very brief, being another set of questions addressed to this Congressman and Congressman Rankin.

The Court: Congressman Rankin, Thomas, and Mundt?

Mr. Isserman: Yes, Congressmen Rankin, Thomas, and Mundt. We would establish the following facts if the Court would allow us to pursue the examination:

That the House Committee on Un-American Activities is primarily engaged in non-legislative functions in that it acts as an administrative agency of the Government within the House of Representatives for the investigation of, and judgment upon, individuals and organizations because of activities in which they are engaged exclusively concerned with the expression of opinion on political, economic, educational, social and legislative matters and with advocacy and other activities without suggestion of force or violence, pertaining thereto.

The committee, with intent to compel conformity with its views and the views of its members, does seek to censor all forms of expression of speech and press, including newspapers and other periodicals, and including publications of the National Council of American-Soviet Friendship, radio and motion pictures, and publications of other organi-
412 zations seeking to influence public opinion, and to influence and coerce lawful concerted activities, including public assemblies and petitions to Congress, in political, legislative and trade union fields.

The purpose of the committee is, under the cloak of congressional immunity, by public condemnation of the individuals and organizations concerned, as being un-American, subversive, or communistic, by the use of guilt by association and other defammatory techniques, by efforts to drive the individuals attacked out of public and private employment, to drive members, contributors and participants in the activities of such organizations from supporting said organization.

The committee exercises this function without congressional mandate, with no standards for determining which individual or organization shall be attacked, except the caprice or prejudice of its members, without charges, notice, or opportunity to be heard and to defend, and with serious threatened and actual damage to such individuals and organizations, in loss of prestige, financial and other support, or loss of employment, as the case may be, thus placing undue burdens on restrictions upon the exercise of the activities heretofore described.

The Court: That is excluded.

* * * * * * * * *

413 Mr. Lester: In connection with this offer of proof we should now like to incorporate by reference the committee reports, and the other Congressional Record citations, and Exhibit 91, for identification, which was excluded, as part of this offer of proof, and in addition the following Congressional Record citation:

A debate in Congress which can be generally characterized as an appropriation debate, which is 92

414 Congressional Record, pages 5310, et cetera, on May 17, 1946, which appropriation debate concerned the appropriation for this committee.

92 Congressional Record, pages A-1610 and A-1611, March 20, 1946;

Congressional Record, Volume 92, page 2518, March 20, 1946;

Congressional Record, Volume 91, pages 10,187 through 10,190, October 24, 1945.

91 Congressional Record, pages 7862, 7863, July 18, 1945;

91 Congressional Record, page 287, January 16, 1945.

* * * * * * * * *

415 Mr. Isserman: I take it also that the Court will not take judicial notice for this purpose of any of

the offers that were made with respect to the taking of judicial notice?

The Court: That is correct.

* * * * * * * * *

Mr. Horsky: I offer in evidence Defendant's Exhibit 92, which is another one of the items that is referred to in the Russell report, and which was from the files of the Committee on Un-American Activities.

The Court: Very well.

* * * * * * * * *

Corliss Lamont recalled as a witness on behalf of the defendant.

418 Redirect examination

By Mr. Isserman:

Q. You were asked, Mr. Lamont, as to whether your father, Thomas Lamont, had contributed any funds to the National Council of American-Soviet Friendship. I believe your answer was to the best of your knowledge and belief he had not.

Would you tell us what information you have or
419 had prior to the period that you were chairman of contributions made to the Council in respect to the names of individual contributors? What is the scope of your information on that subject? A. Well, I knew, in a general way, I should say, of the names of substantial contributors to this organization, but, of course, we had some collections at meetings where hundreds of people contributed small sums, comparatively speaking, and I would not necessarily know who they were or what their names were.

Q. And was your activity as chairman a full-time activity? Was your activity as chairman of the National Council a full-time activity? A. It was a voluntary activity, unpaid, on the side, in addition to my regular jobs of teaching and writing.

Q. And you didn't have custody of the records and files of the organization? A. No, I did not.

Q. Did you in the course of your chairmanship scrutinize or review every receipt issued to contributors of funds to the organization? A. No, I didn't have that responsibility.

Q. If any substantial contributions were made, would they have been called to your attention? A. Certainly; I think anything over a hundred dollars.

420 By Mr. Isserman:

Q. On cross examination you were asked about some resolution which the National Council Board had adopted relative to the production of records before the committee.

* * * * * * * * *

I show you Defendant's Exhibit No. 93 for identification and ask you to look at it and tell us whether or not that is a copy of the resolution which the board adopted? A. That is the resolution adopted.

Q. And that is the only resolution the board adopted in connection with the appearance of you and Mr. Morford before the House Un-American Activities Committee in the early part of '46? A. That is correct.

Mr. Isserman: I offer it in evidence.

Mr. Murray: I have no objection.

(The document previously marked for identification Defendant's Exhibit No. 93 was thereupon received in evidence.)

* * * * * * * * *

422 By Mr. Isserman:

Q. Mr. Lamont, you appeared before the House Committee on Un-American Activities on or about January 23, 1946, did you not? A. Yes, sir.

Q. And at that time you submitted a considerable number of documents to the committee? A. Yes, sir.

Q. And did you at that time have any formal conference regarding your next appearance before the com-

423 mittee? A. Yes.

Q. And with whom? A. With Ernie Adamson, counsel of the committee.

Q. What was the substance of that conference in brief? A. He was going to look over the material and study it. He wasn't sure he would need to call me back because he thought maybe our organization would not come under the terms of the investigation after all.

Q. Did you remain, as chairman of the National Council, did you remain subject to subpoena after that conference? A. Yes, sir.

Q. Was there any arrangement made as to when you were to come back? A. No, it was left indefinite. He said he would let me know.

Q. Did you receive a communication from Mr. Adamson which did bring you back? A. I did receive such a communication.

Q. I show you Defendant's Exhibit No. 86 for identification and ask you if that is the communication you referred to that you received from Mr. Adamson.

Mr. Isserman: I would like to call the Court's attention to the fact that this exhibit was offered in connection with another point on a previous occasion, and I would like to have the Court know that.

424 The Witness: Yes, this is the one he sent me.

Mr. Isserman: I would like to offer this in evidence at this time.

Mr. Murray: I do not object at this time, if the Court please.

Mr. Isserman: Does the Court care to see it?

The Court: It may be admitted.

(Communication from Mr. Adamson to the witness was by the Court received in evidence as Defendant's Exhibit No. 86.)

By Mr. Isserman:

Q. Now, was it pursuant to this exhibit that you did appear on February 6, 1946? A. Yes.

Q. And it was at that time that it was disclosed that Mr. Morford was the custodian of the records? A That is correct.

Q. And was it at that time, on February 6, 1946, that both you and Mr. Morford were subpoenaed to appear on behalf of the Council on March 6, or at least ordered to appear on March 6? A. Yes.

* * * * * * * * * *

425 Cross examination

By Mr. Murray:

Q. Mr. Lamont, do you remember on that occasion when you talked to Mr. Adamson that Mr. Louis Russell, an investigator of the committee, also participated? A. Why, it was primarily Mr. Adamson with whom I talked. There may have been another man there at the very end, but I gave the documents to Mr. Adamson, and it was my impression practically my entire conversation was with him.

Q. But did you at a later time discuss the documents with Mr. Russell? A. I don't remember a Mr. Russell specifically.

Q. Did you discuss the documents with some investigator or other person attached to the committee other than Mr. Adamson? A. I remember a very short conversation with somebody about the documents in question, yes, sir.

Q. Is it not a fact that in a conversation with Mr. Russell and, of course, I understand that you would not be able to say it was he, but to identify the person in the question, and in the question, with Mr. Russell, an
426 investigator for the committee, did he not tell you that in his view these documents showed an effort on the part of the National Council to create a receptive attitude to the expansion projects of Russia comparable and in some respects identical with attempts made by Germany to prepare the public for its imperialistic expansion? A. Well, I don't remember that, Mr. Murray. I think I asked that man, whom I assume now was Mr. Russell, what

the dickens was the matter with these documents anyway, and he answered, "Well, they build up to an apology on behalf of Russia comparable to what was going on with reference to the Nazis at one time.

Q. Yes. A. And I said I just disagreed with that, and I think that that is all that was said.

Q. Now, that was after the documents had been read by Mr. Russell, presumably?

What I mean to say, and I will ask you, Mr. Lamont, isn't it a fact that in your first conversation with Mr. Adamson the documents had not yet been digested by him, or Mr. Russell, or anybody else connected with the committee? A. That is correct.

* * * * * * * * *

427 But my talk with Mr. Russell was not until I had been back the second time in respect to Mr. Adamson's letter in regard to the political propaganda.

* * * * * * * * *

429 **Dr. Clyde Miller** was called as a witness by and on behalf of the defendant and being first duly sworn, was examined and testified as follows:

Direct examination

By Mr. Isserman:

Q. Dr. Miller, would you state your name and address, your full name and address, please? A. My full name is Clyde R. Miller. My address is Lowell Hall, Teachers College, Columbia University.

Q. Have you any connection with Columbia University, Dr. Miller? A. I am associate professor of education at Teachers College, Columbia University, now on leave of absence.

Q. And can you tell me the significance of the prefix "Doctor" as a title to your name? What degrees have you, if any? A. I have an honorary degree in education.

Q. And is that a Doctor's degree? A. That is an honorary doctorate in recognition of work done in community

education primarily in the City of Springfield, Mas-
430 sachusetts, in dealing with racial and religious prepudices

Q. Now, what is your present occupation, Doctor, in addition to being on leave from Teachers College at Columbia? A. My present field of work is in the field of education and public opinion, and with particular reference to how education and public opinion are established by propaganda, and out of this work has grown, and in connection with it I practice the analysis of propaganda.

Q. How long have you been engaged in that work of public opinion and analyzing propaganda? A. Throughout virtually all of my adult life, that is, as a writer of commercial advertising copy, as a newspaper reporter, and as an editor of education journals, as a teacher of journalism.

* * * * * * * * *

436 Q. And you are still currently engaged, as I understand, in the analysis of public opinion and propaganda technique? A. That is my main work, and particularly as it relates to education that can prevent and bring under control the dangerous mental attitudes associated with religious, racial and related prejudices.

Q. And that analysis included analysis of political matter as well, did it? A. Yes, sir.

437 Q. Did you, at the request of counsel in this case, make a study of the report by one Louis J. Russell, investigator, entitled, "Comprehensive Report Concerning Publications Issued by the National Council of American-Soviet Friendship, Inc.," a copy of which report is contained in Defendant's Exhibit No. 2 which I now show you? Just answer that yes or no.

A. Yes, sir.

Q. At the time the report in question was submitted to you for analysis and study did you also receive from the counsel for the defendant in this case a number of publications—I will withdraw that "receive"—the publications,

copies of publications which are referred to in the Russell report? A. I received all of the publications but one or two which were referred to in the Russell report. There was a news letter referred to in that Russell report which was not given to me by the representatives of the Council, but which I saw later; as a mat.er of fact, only today did I see it.

Q. Did you see it as an exhibit in this proceeding? A. Well, I received it from your associate, Mr. Horsky, for examination during the noon recess period.

Q. I show you Defendant's Exhibit No. 92, and ask you if that is the news letter. A. That is indeed, sir.

438 Q. And you have examined it? A. I have examined it this noon.

Q. Did you receive, in addition to documents you have described, from counsel in this case additional publications of the National Council for American-Soviet Friendship? A. I saw, sir, what purported to be——

Q. (Interposing). Well, first answer the question yes or no. A. I did.

Q. I show you a list of pamphlets, and then underneath that a list of brochures, maps, mimeograph and other material appended to Defendant's Exhibit No. 66, and ask you if you have seen that list before (handing exhibit to witness). A. I have seen this list before, yes, sir.

Q. You have seen it as part of this particular exhibit, have you not? A. Yes, sir.

Q. And have you had an opportunity to check the pamphlets and other material furnished to you by defense counsel with the list which is annexed to Defendant's Exhibit No. 66? A. Yes, sir.

Q. And did you find that you had received or had not received the publications contained on that list? A. I had received all of them with the exception of the one I mentioned, the news letter, which I received this noon,

439 and with the exception, as I recall, of two or three of the science bulletins which I also had an opportunity to examine during the noon recess period today.

Q. Now, following the propaganda techniques which you have used through the years, and using your professional knowledge and experience on public opinion and propaganda material, did you make an analysis of the report, the Russell report, to which I have referred, in the light of the material which was submitted to you, and with particular reference to the documents mentioned in the Russell report, and allegedly analyzed therein? A. Yes, sir.

Mr. Isserman: I would like to have this marked for identification as defendant's next in number. What number will that be?

The Deputy Clerk of Court: Number 94.

Mr. Isserman: 94, consisting of 37 typewritten pages with some pencil notations contained on the same.

(The document referred to was thereupon marked Defendant's Exhibit No. 94 for identification.)

By Mr. Isserman:

Q. There are certain pencil notations on Defendant's Exhibit No. 94, and I ask you if you made those notations yourself as corrections of the text used in drafting? A. I made all of them myself with two or three exceptions,
440 which were made by my secretary, and I have written "O. K." and signed my initials to indicate that I approved the secretary's corrections in pencil.

Q. In other words, the report with the pencil changes is the complete report as you have made it? A. It is the complete report as I have made it.

Mr. Isserman: May I have a moment, if Your Honor please?

If the Court please, at this time I would like to offer this report in evidence, and make some explanation as to why the offer is made at this time. We could take Mr. Miller through the report by way of oral examination question after question on each document. We think it will not only save time but make a more orderly record if the report is admitted and Government counsel be given an

opportunity to examine it and perhaps, if he desires, to cross examine Dr. Miller on it. We suggest that as a procedure which would shorten this examination by a great length and would serve the interest of all parties.

Mr. Horsky: May I add, Your Honor, this report is primarily for your assistance in evaluating these documents, designed to assist you in your study of whether this question is pertinent.

* * * * * * * * *

441 Cross examination

By Mr. Murray:

Q. Dr. Miller, have you ever testified in court as an expert in the field that you have described here? A. No, sir.

Q. Has anybody connected with your Institute on Propaganda Analysis ever done so to your knowledge? A. That I don't know, sir.

442 Q. Do I understand that you have analyzed communist propaganda in this country? A. Yes, sir.

Q. And have you analyzed publications of organizations other than the National Council of American-Soviet Friendship? A. Yes.

Q. And what communist organization publications have you analyzed? A. Well, the Institute published a bulletin, in the preparation of which I assisted, and many of the board members assisted in it, and I think we examined very carefully, sir, the Daily Worker, and the New Masses, and presumably—I don't recall now what other publications entered into it, but assuredly those two, as well as the communist techniques of mass meetings, and their work in labor unions, and so on.

Q. Do you happen to be familiar with any of the organizations listed in the letter of the Attorney General published a few months ago of what were in that letter referred to as subversive organizations? A. Sir, if I were asked to name all of those at this moment, the only one I could name off hand would be the Council itself, and that is because

they have asked me to give this testimony, and I happen to know it has been listed, and I believe one other there on the list was the Columbians, the Ku Klux Klan, and
443 beyond that, sir, my memory does not go, although I did read the list hastily.

Q. Now, the organizations you happen to recall are not communistic, are they? A. I beg your pardon.

Q. The organizations whose names you have recalled in your last answer are not communist? A. No, sir.

Q. They are quite the other way? A. They are the other way.

Q. Now, what communist organization, if any, do you recall in that list? A. I don't recall the list well enough, sir, to recall any.

* * * * * * * * *

457 By Mr. Isserman:

We believe the Government misconstrues the nature of the information listed in the report. He was not asked to analyze it, but from its content, that is, the material submitted by the Council, and to compare that analysis content with the content in the Russell report, and with the conclusions and observations that Mr. Russell made of the same material without regard to label, or whether it was labeled one thing or another, but with regard solely to the factual material as alleged, and with regard to how Mr. Russell selected that material analyzed the factual material and acted upon it. He was not asked to trace the relationships of one organization to another but he was asked to look at specific pieces of propaganda, to look at and comment upon those specific pieces and to indicate the relationship of it in terms of propaganda analysis.

* * * * * * * * *

458 The Court: I have my doubts as to whether it is admissible. However, I have read part of it and I will finish it.

Mr. Isserman: I take it, then, that it is admitted?

The Court: Yes, as I say, I have my doubts it is proper, but I have it here, and have read part of it.

* * * * * * * * *

459 Mr. Isserman: If the Court please, at this time we would like to call the defendant to the stand for one purpose only connected with the pretrial of other matters of fact before your Honor in respect to a moton relative to the scope of the subpoena on which your Honor allowed us to reserve argument until such time as we could introduce factual evidence on the scope on which the subpoena was served. We would like to call him solely for that purpose.

The Court: Very well

Thereupon, **Richard Morford**, the defendant herein, was called as a witness in his own behalf, and being first duly sworn, testified as follows:

Direct examination

By Mr Isserman:

Q. I show you Defendant's Exhibit No. 1 and ask you if that is a copy of the subpoena which was served upon you by Mr. Carrington on or about February 6, 1946? A. This is the copy served on me.

Q. And that subpoena asked you to produce certain
460 books, records, documents and correspondence before the House Committee on un-American Activities, did it not? A. That is true.

Q. Did you examine the various—withdraw that. You are in fact and were then, the persons in charge of the records mentioned in the subpoena? A. That is true.

Q. And did you make any estimate of the amount of material that would be required to be produced by you in response to the subpoena? A. Yes, sir, I made investigation of the files to determine what would be required under the terms of the subpoena.

Q. Did you make any estimate of the amount of that material in terms of filing cabinets? A. That is the way I did, sir, my investigation through the office.

Q. What was your estimate? A. There were 22 filing cabinets, that would be a total of 88 drawers of material, for that is the way we dispose of our material in the office, in the filing drawers.

Q. Did you determine whether or not your organization would be able to carry on its day-to-day activities after having delivered these 22—delivering the material in these 22 filing cabinets to the Committee on un-American
461 Activities? A. Yes, of course, we considered that because that was of great importance to us if we were to continue in operation.

Q. Did you conclude whether you could or could not continue in operation in the absence of the material required by the subpoena? A. It seemed clear that in the absence of materials we could not continue in business if these were to be taken from the office to be furnished as was required under the subpoena.

* * * * * * * * *

462 By Mr. Murray:

Q. You are not telling the Court that that is the reason you did not provide the records called for, are you?

* * * * * * * * *

463 A. No that is not the reason.

By Mr. Murray:

Q. You did not tell the committee that there were 88 drawers of files, did you? A. I don't recall that I did.

Q. You didn't tell them anything about the volume of the files, did you? A. I don't recall that I did.

Q. You recall you were positive you didn't, are you not, Mr. Morford? A. My recollection is that I did not speak to the committee about the quantity of the material.

Q. You didn't tell the committee you would be glad to produce the figures, but it was a physical impossibility to bring down 88 file cabinets of papers, did you? A. I don't believe I said that to the committee.

Q. You are sure you didn't? A. I am quite certain.

* * * * * * * * *

467 By Mr. Murray:

Q. Mr. Morford, did you at any time ever claim before this committee that the records they were calling for were too bulky to be brought eventually to the committee room? A. I don't recall that I said they were too bulky.

* * * * * * * * *

470 By Mr. Murray:

Q. How bulky were the records of contributors for the year 1945, Mr. Morford? A. I wouldn't know, sir, the list of contributors would be in terms of receipts kept in the receipt book, among other items (indicating).

Q. You held your hands about less than a foot apart; were you indicating——. A. (Interposing) I was trying to indicate that these contributions were recorded in receipt books.

Q. In how many receipt books for 1945? A. I wouldn't know, sir.

Q. Would it be more than one book? A. Yes, indeed.

Q. For 1945? How many pages in a book? A. I don't know.

Q. No idea? A. No.

* * * * * * * * *

471 By Mr. Murray:

Q. How big in bulk would this be, the correspondence, memoranda and communications with any and all persons, together with a complete list of the affiliated organizations, for the year 1945?

Mr. Horsky: I object to that, Your Honor, because as Mr. Murray reads that he is reading the list of "affiliated

organizations" and that is not the way the subpoena reads.

The Court: Not the way the subpoena reads?

Mr. Horsky: No, the question calls for the affiliated organizations for the year 1945.

The Court: How big would that be?

By Mr. Murray:

Q. The complete list of the affiliated organizations? A. The complete list of affiliated organizations for the year 1945, that would be only a small list which would be prepared at the command of the subpoena, a single page probably would include that.

Q. Now, speaking of preparing something, a list of the contributors, of receipts and disbursements, if prepared in that manner that you refer to in relation to affiliated organizations, could be on one or two pages, couldn't it? A. I did not so interpret the subpoena. The subpoena required, I thought, all financial records of receipts

472 and disbursements.

Q. For all years? A. That is the way I interpreted it sir.

Q. You did interpret it that way? A. Yes.

Q. You felt you were being called upon to produce all receipts and all disbursements for the entire period of the existence of your organization? A. I thought that to be true from the subpoena.

Q. What, then, was the year 1945 there for, then, as you understood it? A. For the year 1945, together with a complete list of all affiliated organizations; it reads "together with a complete list of all affiliated organizations"——

Mr. Murray: Let the Court read that, Mr. Morford, at this time.

The Court: It says here to "produce all books and records, papers and documents, showing all receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons,

together with a complete list of the affiliated organizations, for the year 1945."

The Witness: All of the original, together with this list of affiliated organizations for the year 1945?

473 The Court: That is right.

Mr. Horsky: I submit, Your Honor, that subpoena, properly interpreted, calls for——

The Court: It says, books, memorandum, receipts and list for 1945.

Mr. Horsky: No, sir, by no means, the word "together" there with a complete list of the affiliated organizations; it says correspondence, memoranda and communications with any and all persons, and then it says "together" and then follows with 1945.

The Court: Well, he says he interpreted it as meaning all of the records and memoranda for the years which it was in existence.

Mr. Horsky: That is right.

By Mr. Murray:

Q. Is it your testimony Mr. Morford, that you recognize this subpoena to be an unreasonable request for records too voluminous to be brought conveniently to Washington? A. It is my testimony that I questioned it as an unreasonable request.

Q. Now, you referred to quite a few of the efforts of the committee to get records as unreasonable, unconstitutional, and so forth; I am talking now about physical inconvenience. Did you recognize that subpoena as requiring you to bring records that would be too bulky to bring

474 here because of their size and volume? A. I believe that is the thing I had in mind when I said to the committee in response, which was not further explained in terms of bulk.

Mr. Murray: May I see the resolution, please, that was shown to Mr. Lamont?

By Mr. Murray:

Q. You are familiar with this resolution, I take it, three weeks before you appeared before the committee, were you not? A. I am familiar with this resolution.

Q. I say, you were familiar with it when it was passed? A. Yes.

Q. Did you participate in the meeting at which it was adopted? A. That is true.

Q. Did you vote for it? A. I did vote.

Q. Was that a unanimous vote? A. That I don't recollect.

Q. Do you interpret this resolution as objecting to the production of the records of your organization before the committee because they were bulky?

Mr. Isserman: I object to that as being a matter not on direct examination, as calling for the construction of
475 a document which is in evidence which speaks for itself, and is seeking to elecit from this defendant evidence in a criminal trial in violation of his rights under the Sixth Amendment of the Constitution.

The Court: Overruled.

The Witness: May I have the question?

Mr. Murray: Read the question.

The Reporter (reading): "Question: Do you interpret this resolution as objecting to the production of the records of your organization before the committee because they were bulky?"

The Witness: This would only be one factor in the resolution in my interpretation of it.

By Mr. Murray:

Q. Is it not a fact, Mr. Morford, that you and everybody connected with the organization to your knowledge was opposed to the production of the records here on constitutional grounds, and would have objected whether the records were too bulky or not too bulky?

Mr. Isserman: I object to that as callng for a conclusion on the part of the witness, and the constitutional ground as included previously.

The Court: Overruled.

By Mr. Murray:

Q. Do you understand the queston? A. I recog-
476 nized only my responsibility to protect the records of the Council within the law in whatever devices I might make up in my mind they should be protected as long as it was within the law.

Q. And you were protecting them for that reason and not because it was too difficult physically to bring them here? A. I do not think it is correct from my belief to exclude the fact of their bulkiness and, therefore, that unreasonableness of the request as one of the factors in discharging my responsibility.

Q. Did you understand or use the word "unreasonable" by yourself to mean unreasonable because they were bulky, among other reasons? A. Yes, that would be a reason I would adduce myself.

Q. And you had that in mind when you made representations to the committee that its request was unreasonable, you had the bulkiness of the records in mind when you said that? A. That would be a term in speaking to the committee.

Q. Was it a factor in your saying it on that occasion? A. I believe it was.

Q. Wouldn't you know? A. I would know, yes, sir.

. . . . . .

477 By the Court:

Q. Did you tell the committee that you would not produce them because they were too bulky? A. This is the question that was asked me, did I tell the committee that they were too bulky, and I replied that I had not so said.

. . . . . .

487 The Court: I will admit 4, and beginning with 5 to 9——

Mr. Murray (interposing): They were after the subpoena was issued and after the appearance of Mr. Morford before the committee.

The Court: I will exclude those.

(The document previously marked for identification Government Exhibit No. 4 was thereupon received in evidence.)

Mr. Isserman: May we move to strike any reference to 5 to 9 in the transcript?

The Court: Yes, very well.

Mr. Isserman: 10 also was marked for identification but is not in evidence.

The Court: 10 and 11 will be admitted.

Mr. Isserman: 11 was never admitted. That is a file of numerous documents which were brought into the courtroom, and there was no intention of admitting that file and 11 should remain for identification.

488 Mr. Murray: That is true. 11 was a big envelope with many pamphlets, and they got in separately under separate exhibit numbers.

(The document previously marked for identification Government Exhibit No. 10 was thereupon received in evidence.)

Mr. Isserman: In similar fashion, Defendant's 67 is not in evidence at all. Your Honor did exclude certain sections after it had been marked for identification, and Your Honor will remember that contans speeches of various individuals, and certain of the speeches were excluded. That appears in the record. The balance of the speeches were used.

The Court: I think I excluded the speeches that weren't in any way associated. The balance may be admitted.

(The document previously marked for identification Defendant's Exhibit No. 67 was thereupon received in evidence, as indicated.)

Mr. Isserman: Defendant's Exhibit 16, which is a transcript of the Lamont testimony before the Un-American Committee, that was marked for identification, with leave given to the defense to indicate the specific portions to which the defense desired to call attention, so that the Court would not be compelled to read the entire transcript.

We have now prepared a schedule. May we ask this be marked for identification?

489 (The document referred to was thereupon marked Defendant's Exhibit 95 for identification.)

• • • • • • • • • •

490 Mr. Isserman: We would like to offer the excerpts as marked, subject to the right of the Government to offer any other portion of the transcript it desires to offer.

The Court: Very well.

• • • • • • • • • •

Mr. Murray: The list of questions for the jurors on the voir dire examination. At the beginning of the trial he submitted a list of questions for the Court to ask the prospective jurors, and he is referring to that list.

Mr. Isserman: We would like to move that list as submittee to the Court be annexed to volume 1 of the transcript as an appendix.

491 The Court: Very well. I think it is in here once.

Mr. Isserman: It is filed but it is not in the transcript, and there is nothing on it at that part of the transcript. May I incorporate that list in volume 1 of March 15, 1948, and may the copy be submitted to the reported be included?

The Court: Yes.

• • • • • • • • • •

Motion to Dismiss Indictment

Mr. Horsky: One of the matters I reserved on earlier to argue further is partly included and concluded by the Barsky case, and Your Honor did not take further evidence on it, and there is no evidence before you that was not before Mr. Justice Holtzoff.

But I would like to renew the motion to dismiss the counts of the indictment on the ground that Resolution 5 in conjunction with Section 192 of Title 2 does not provide a sufficiently ascertainable standard of guilt as required by the Fifth Amendment.

I assume that motion will be denied?

The Court: That is correct.

Mr. Horsky: After a preliminary motion, which
492 was substantially reserved by Mr. Justice Holtzoff, as to the argument on that, I would like to devote a few moments to that.

This, of course, is applicable only to Count 1 of the indictment. Our position is that the subpoena itself is too broad and is in violation, or is illegal, under the Fourth Amendment to the Constitution, and consequently, no crime can be predicated upon a refusal to comply with it.

* * * * * * * * *

502 If you look at the subpoena, Your Honor, and the sweeping language, you cannot help but agreeing that that kind of subpoena would not have been issued by any court and would not have been approved by any court had it been issued to any party in the case.

I submit that the same test should rule your judgment here and that subpoena should be held an invalid subpoena. Consequently, Count 1 of the indictment
503 should be dismissed on that ground.

* * * * * * * * *

This next argument, Your Honor, is one which Mr. Isserman and I will share. I would like, at least briefly, to discuss the legal elements in the argument and Mr. Isserman will discuss the evidence as those legal arguments are applied to it.

Chiefly, I would like to discuss the Barsky case. May I say in general that I am not going to refer to anything except the majority opinion, and when I refer to the Barsky case, I mean referring to the majority of the court. I am not going to urge you and talk about over-

504 ruling that, but I am going to speak about the construction.

The issue is a very narrow issue of pertinence. There is no issue of constitutionality, but here it is a construction of the resolution and the construction of our evidence.

The material parts appear in what the court says is appellant's first point. That point is the same point—that is the first point I make and I wish to make. The point urged by the Barsky case is that the resolution creating the congressional committee was unconstitutional because it authorized inquiry into political opinion and expression in violation of the First Amendment.

That is not our issue. It was what they did in that Un-American Activities Committee hearing. The appellants' point is that they protested to the specific question, and that it was beyond the scope of possible inquiry under the resolution.

Our point is premised on the specific facts we have here.

* * * * * * * * *

506 The statement which the majority finds does give a standard: The diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution.

That, I think, gives us the whole standard upon which in this case we judge pertinency. Otherwise, I think we would run contrary not to the specific holding of the Barsky case but at least to the clear implication of the majority that if the reliance was on Clause 1 that they would hold it too vague to be meaningful.

That is the first proposition which I wish to lay as a foundation for Mr. Isserman's argument, that relevancy is determined on Clause 2.

On the second point, in view of the testimony from
507 Mr. Lamont, and the transcript of Mr. Lamont's testimony, and the other evidence, is that if a con-

gressional committee has before it all of the propaganda of an organization of any nature, is its belief reasonable that the propaganda is or was subversive and un-American propaganda that attacks the principle of the form of government as guaranteed by our Constitution. But it is under these circumstances a fact as to whether that propaganda is such.

• • • • • • • • •

Here I believe it is wholly proper for Your Honor to make such standard upon which to judge pertinence, pertinence to the fact, rather than pertinence on the reasonable belief of the committee.

Now, as a matter of fact, I think that position is a proper position even if all the propaganda material is not before the committee. I think it is indicated by the statute.

In this case we are here in a criminal case, we are not before a committee on its own activities. But the statute here says that the witness before a committee must refuse to answer a pertinent question, not a question which the committee thinks pertinent or the witness does, but which is a pertinent question.

• • • • • • • • •

509 Now, that is my second principle which I would like to urge Your Honor to apply in this case in considering Mr. Isserman's argument on the evidence.

The first is under the Barsky case, relevancy as determining pertinency is determined on Clause 2 of the resolution, and the second is that pertinence and determination by the committee of this propaganda could not be any reasonable belief.

However, I do not mean to say that our argument depends on these two legal propositions. These are our basic positions, and Mr. Isserman will demonstrate that if reasonable belief is the test, then it has not met that test.

I think Counts 1 and 2 can both be taken within this and determined it has not met this standard. However,

I think our basic position is that it has not met the test, and Mr. Isserman can go to the facts.

. . . . . .

540 Mr. Murray: May it please the Court, I will answer the points in the order in which they were argued, the first being that the subpoena served upon the defendant, Mr. Morford, was unreasonable in that it failed in particularity and called for a burdensome volume of records.

Certainly the answer to that need only be brief, and I propose to make it so.

I say in answer to that that no contention was ever possibly entertained or presented to the committee of the sort which is now made in regard to the subpoena, and that the sole and only basis for resisting suggested to them for resisting the efforts of the committee to see the records was what they called an assertion of their constitutional right, and their constitutional right was to refuse to submit so much as one page of any of their records to this committee, and they did not claim that they would produce them if they were not too voluminous, and they claimed nothing but that the committee on Un-American Activities had no right to see any of their records.

. . . . . .

543 The next portion of the argument, argued in part by Mr. Horsky and in part by Mr. Isserman, is that the Government has failed to show that the Congressional committee had a right to move against this organization.

The point is made that the question is not whether they had reasonable ground to believe they might move against them, but it is argued by Mr. Horsky, at least, that by reason of the fact that all the records or all the propaganda which the organization had distributed was made available to the committee, then the Court must now find the committee should have then viewed the question as one up for final proof, and the argument on that point is that where an organization is suspected of engaging in sub-

versive propaganda and comes before that committee and gives to that committee what it represents to be, and, as far as I am concerned, may, in fact, be, all the publications it has issued, then the committee has the right not to go back of those publications, but must read them and
544 interpret them in the way Mr. Isserman has, and that no further steps——

The Court: (Interposing) You needn't devote any more time to that argument.

Mr. Murray: Very well, sir.

• • • • • • • • • •

551 Now, this organization submitted these, it is true, to the committee. The committee read them, including what I have just read to the Court, and I say it had a right to believe that this organization might have been engaged in subversive propaganda activities.

It is true, as Mr. Isserman argues, that this is all about a public question, and it is also true that in this country free expression of opinion on public questions is permitted and encouraged, and protected, yes, but that does not mean that other countries which don't have such views as to freedom of speech nor any of the other views that we regard highly, that does not mean that our country may not investigate attempts being made through innocent and guilty Americans by a foreign power to abuse the public opinion and to twist and distort it to a point where it will make this country weaker against an attack by that organization—by that government—that this Government may not through its proper legislative committees investigate attempts that are being made of that sort, and if it can investigate the attempts that are being made, then you investigate not only the matters by which they are being made, but the people that are making them, and investigate the kind of people they are.

For instance, if this statement, "Although the Soviet case even on the issue of procedure stands up far
552 better than the position of the United States," if that expression of opinion on a public question were

made by a recognized patriotic American, it would mean one thing. If it were made by or at the behest of a person who is interested in seeing this Government overthrown and replaced by a communistic government, it would mean another, and as Dr. Miller and Mr. Isserman and the Court of Appeals said, you know best what is being done when you know who is trying to do it.

The Court: From the evidence submitted here by both sides, and also from the arguments of counsel on both sides, I conclude and therefore hold that the documents requested in count 1 of the indictment and the question contained in count 2 of the indictment were pertinent to the inquiry; that the committee had a reasonable basis for issuing the subpoena; and that the subpoena was not unreasonable in requesting production of the various documents described in count 1 therein.

* * * * * * * * *

560 Mr. Lester: We intend to read to the jury excerpts from the defendant's exhibits, including the following:

* * * * * * * * * *

561 The Court: What is the purpose of those?

Mr. Lester: The general purpose of those, of all these exhibits will show the legislative history in connection with refusal to produce documents and that the answer to the questions was not wilful, that under all the facts and circumstances there was no refusal to produce documents and answer the questions; that under all the facts and circumstances the alleged refusals were not wilful, and that these exhibits are a part of the entire transaction.

Mr. Murray: I object to all the offers stated.

The Court: Let's go over them again.

* * * * * * * * *

562 Mr. Lester: The next one is number 65, statement by Mr. Corliss Lamont in connection with his appearance on January 23rd.

* * * * * * * * *

The Court: Let me see 65, will you? (After inspecting document:) That is excluded.

• • • • • • • • •

Mr. Lester: The next one is rather similar, that would be the statement by Corliss Lamont in connection with his appearance on February 6.

The Court: What number?

Mr. Lester: 66.

The Court: Yes, that is excluded.

What is the next one?

• • • • • • • • •

563 Mr. Lester: 76

The Court: Let me see it. (After inspecting document:)

This is after the hearing on March 6?

Mr. Lester: During the hearing. There are references in the transcript; he left it with the committee at that time and there are references in the transcript to the statement. Apparently I gave you the wrong number, I am sorry, it is 71 instead of 76, apparently.

The Court (after inspecting document): That is excluded.

• • • • • • • • •

Mr. Lester: The next one is letter——

The Court (interposing): What is the number?

Mr. Lester: 86, a letter from Mr. Adamson to Mr. Lamont which was sent to him between his two appearances.

The Court: That is excluded.

564 Mr. Lester: The next is number 82, which is a letter from Mr. Lamont to Chairman Wood on December 9, 1945.

The Court: That is excluded.

Mr. Lester: And the last one is number 74, which is a letter from Adamson to Lamont on November 20.

The Court: Adamson to Lamont?

Mr. Lester: That is correct.

The Court: That is excluded.

Mr. Lester: Now, as I understand it, numbers 1, 93, 2 and 16 are not excluded.

The Court: That is correct.

• • • • • • • • • •

Mr. Murray: The second one, if the Court please, is the exhibit number 93, and is a resolution of the organization which was received in the hearing on the matter of pertinency. The question of wilfulness, as involved here, is the same as involved in that and involves only the intentional——

565 The Court: What bearing does that have?

Mr. Lester: I wanted to make an historical story of the transaction so that, taking all the facts and circumstances, was it wilful? We received the subpoena and that clearly is in evidence, and the next question is what do we want to do about it.

The Court: Do you contend that it would not be wilful merely because the board passed the resolution?

Mr. Lester: Not "merely" but it is one of the facts and circumstances, after you get a situation like this what do you do about it, what was your official attitude? I think it is one of the circumstances which tells the whole story of wilfulness no matter how it may be affected at this time——

The Court: Excluded.

• • • • • • • • • •

567 The Court: All right. At least you are going to read exhibits number 1, number 2 and 16, is that right?

Mr. Lester: So far, and Mr. Murray has another one on number 16.

Mr. Murray: Yes, I do. I wanted to be heard on 16. These are proceedings not when this defendant was before the committee, but when another person, Mr. Lamont, was before the committee.

Mr. Lester: That, of course, goes back to the general purpose there stated at the outset; we are trying to

568 give as much of the facts and circumstances of the entire transaction as possible to show that there was not a refusal.

The Court: This is at a different time and different date?

Mr. Lester: That is right.

Mr. Murray: I beg your pardon?

The Court: A different time and different date?

Mr. Murray: Different witnesses; Mr. Lamont was the witness.

Mr. Lester: But the same organization whose books are involved.

The Court: I will exclude it. Now, let me see Exhibit No. 2.

Mr. Lester: That is part of Exhibit 2 (indicating).

The Court: That is number 12.

Mr. Lester: That was originally Defendant's Exhibit No. 12 for identification; originally it was in that transcript and it was taken out when it was identified as Exhibit 12. Later, by consent of both counsel, it was reincorporated as part of 2.

* * * * * * * * *

569 Mr. Murray: If the Court please, may I interrupt to call the Court's attention to this portion of the Fields opinion which I think should dispose of what we have been arguing about. The Court of Appeals in the Fields case said:

"At the trial of this case the court said in its charge to the jury the word 'wilful' does not mean that
570 the failure or refusal to comply with the order of the committee must necessarily be for an evil or for a bad purpose. The reason or purpose for failure to comply, or refusal to comply, is immaterial so long as the refusal was deliberate or intentional, and was not inadvertence or accident."

I say, except in so far as that record may qualify what I have read from it, as bearing upon, or to the extent that he did not turn these records over, I say is immaterial.

Mr. Lester: We certainly want to preserve our position that "wilful," in case the Fields opinion should be changed, by the Supreme Court, and it is impossible for me to think of giving an unqualified yes or no answer as to whether or not there was a refusal. You have got to understand what was said and done. You can't take one or two sentences, like Mr. Murray did; that is just on the question of refusal itself, and if it is pertinent, wilful, then you would have to have a few more facts and circumstances to be sure you understand the transaction.

The Court: Like what, for instance?

Mr. Lester: Like how he handles himself, what questions he did answer, how he answered them, and whether or not there was really a——

The Court (interposing): There is only one issue here, did he turn over whatever records he had.

Mr. Lester: But under the statutes he has to be
571 properly summoned, and whether it was wilful——

The Court (interposing): That is for the Court to instruct the jury on, whether it was wilful.

Mr. Lester: But I want it called to the jury's attention so that they can make an intelligent decision.

Mr. Murray: Your Honor, I can shorten this up by saying that if Mr. Lester wants to read this entire proceeding from beginning to end of Mr. Morford's appearance, I will withdraw the objection.

Mr. Lester: I will do that.

The Court: Very well.

* * * * * * * * *

573 (Thereupon Mr. Lester read to the jury the beginning of the statement of Mr. Richard Morford, including his name and address, and the record down to page 898-A, statement of origin and purpose.)

The Court: What is that?

Mr. Lester: Report of origin and purpose which we have just put in the record.

The Court: I don't think that has a bearing on the matter before the jury.

Mr. Lester: I should like to read it now to make the record complete, inasmuch as we are reading the entire transcript.

The Court: I will exclude it.

* * * * * * * * *

Motion for Judgment of Acquittal

578 Mr. Horsky: I move, your Honor, for a judgment of acquittal on the following grounds:

1. The indictment is fatally vague, uncertain and indefinite in that the first count does not show that the documents allegedly summoned or subpoenaed were material to the matter under inquiry.

The Court: That has been passed on.

Mr. Horsky: Yes, sir.

The Court: We are not going over those you have already ruled on. Have you got new matter?

Mr. Horsky: I have some new ones. Mr. Isserman states as he understands the rule they must be made at the end of a case.

The Court: I am not entertaining any motion I have already ruled upon on a motion for acquittal. Let us not have any more argument on that matter. If this is new material, I shall be glad to hear it.

Mr. Horsky: I am sorry: I will not say anything
579 more about it.

I will move for a judgment of acquittal on the ground House Resolution 5—I am sorry—I don't know whether I can say you have ruled on this or not, sir. I haven't made this motion, let me state it. I am sorry if I misinterpret your Honor's ruling, but permit me to read this one for interpretation.

House Resolution 5, in conjunction with Section 192, Title 2 of the United States Code, as construed by the Court in the light of the facts in this case, does not provide the ascertainable standard of guilt required by the Fifth and Sixth Amendments.

The Court: I thought we passed on it, but if we haven't, the record may show it is denied.

Mr. Horsky: That House Resolution 5 in conjunction with Section 192 of Title 2 as construed by the Court in this case is an extension of the resolution to a point where it is a denial of the rights guaranteed by the First Amendment, that the books, records and papers called for by the subpoena referred to in count one, and the names called for by the question referred to in count two were neither relevant to the matters committed to the committee for investigation or reasonably believed by the committee to be relevant to the matters so committed to the committee.

The Court: I have passed on that.

580 Mr. Horsky: I am sorry, sir. The rest of my motions have all been considered at some prior time. I take it they may be considered as renewed here?

The Court: That is right.

. . . . . .

Rulings on Requests for Instructions

The Court: Have you got some prayers?

Mr. Isserman: We have a series of typewritten prayers of which we would like to give Mr. Murray copies. We have two supplemental prayers in longhand of which we only have one copy.

. . . . . .

581 The Court: I will deny No. 6, and of course you may have an exception.

. . . . . .

The Court: I will deny seven and I will instruct the jury on the question of the subpoena.

No. 8 goes out, of course.

No. 9 goes out.

No. 11 goes out, and I will instruct the jury according to the Court of Appeals as to what they mean by "wilful."

No. 12 is denied.

582 No. 13 is denied.

No. 14 is denied.

No. 15 is denied.

I will give instruction 16 in conjunction with my own instruction as to wilfulness as provided by the statute.

No. 17 is granted.

Eighteen, 19, 20 and 21 are repetitious, the same as 6, 7, 8, and 9.

Mr. Isserman: Substantially the same, your Honor. That applies to the seven count.

The Court: Very well. I will deny 18. Eighteen, of course, is denied as it is written, but the instruction will be given that the jury must be satisfied beyond a reasonable doubt that the defendant was served with a subpoena, and the Court will instruct them on the subpoena.

Nineteen, 20, and 21 are out.

Twenty-two is granted.

Twenty-three is denied.

Twenty-four is denied.

Mr. Isserman: Twenty-five, twenty-six and twenty-seven are parallel to the ones your Honor has been denying.

The Court: They will be denied, and 27, of course, will be changed.

Mr. Isserman: Twenty-eight, your Honor.

The Court: Is it 28? Yes. Denied as written,
583 but changed.

* * * * * * * * * *

585 Mr. Murray: The Government has one prayer to offer, if the Court please. Copies have been given counsel.

The Court: No objection?

Mr. Isserman: We do object to both of these.

The Court: On what ground?

Mr. Isserman: One is that we contend by intentional refusal is not——

The Court: Wilful.

Mr. Isserman: ——synonymous with the term "wilful." We have to consider our position in that respect, if your Honor please.

The Court: I will grant the instruction with the explanation of the word "wilful."

. . . . . .

586 **Defendant's Requests for Instructions to the Jury**

. . . . . .

587 (6) If you do not believe beyond a reasonable doubt that the defendant was actually summoned as a witness by authority of the House of Representatives to produce papers before a Committee of that House, you must bring in a verdict of not guilty on the first count of the indictment.

(7) In considering whether the Defendant was actually summoned as a witness by authority of the House of Representatives to produce papers or documents before a committee of that House, you must take into consideration all the circumstances surrounding the issuance and service of the alleged summons or subpoena which are in evidence.

(8) If you believe from the evidence that the alleged summons or subpoena to the defendant was directed to be served by the Sergeant-at-Arms of the House of
588 Representatives or by his special messenger, and if you find that service on the Defendant was not made by the said Sergeant-at-Arms or his special messenger, you must bring in a verdict of not guilty on the first count.

(9) If you believe from the evidence that the Defendant was served with an alleged summons or subpoena to produce documents before the House Committee on Un-American Activities which was unsigned by any person authorized to issue the same, you must bring in a verdict of not guilty on the first count.

. . . . . .

(11) Wilfulness is a state of mind. You must consider the state of mind of the Defendant at the time the offense alleged in the first count of the indictment occurred, and

you must determine whether the Defendant was wilful or not at such time.

(12) The absence of wilfulness may be deduced from the Defendant's conduct, from the things he did or said, and from all other circumstances which surrounded his alleged refusal to produce the records of the National Council of American-Soviet friendship as charged in the first count of the indictment.

(13) In the commission of an offense under the law under which the Defendant is charged in this case, wilfulness denotes denotes an act done with an evil
589 purpose, without justifiable excuse, and without ground for believing it lawful, or conduct marked by careless disregard of whether or not one has a right to act.

(14) If you believe that the Defendant sought and obtained the advice of counsel as to his obligation to produce the records of the National Council of American-Soviet Friendship in response to the alleged summons or subpoena with which he was served, and if you believe that he refused such records before the Committee on Un-American Activities because he acted on such advice in good faith, you may consider this fact in determining whether or not Defendant's conduct in such refusal was wilful.

(15) If you believe that the Defendant refused to produce the papers or records as charged in the first count of the indictment because he had an honest, bona fide belief that the Committee on Un-American Activities was acting beyond its power and in an unconstitutional manner, you may consider this fact in determining in whether or not Defendant's conduct in such refusal was wilful.

(16) If you believe beyond a reasonable doubt that the Defendant defaulted in the production of papers or records which he was called upon to produce before the Committee on Un-American Activities of the House of Representatives upon a matter under inquiry by that committee, and you do not believe beyond a reasonable doubt
590 from all the circumstances before you that such de-

fault was wilful, you must bring in a verdict of not guilty on the first count of the indictment.

* * * * * * * * *

(18) If you do not believe beyond a reasonable doubt that the defendant was actually summoned as a witness by the authority of the House of Representatives to give testimony before a Committee of that House, you must bring in a verdict of not guilty on the second count of the indictment.

(19) If you believe from the evidence that the alleged summons or subpoena to the Defendant was directed to be served by the Sergeant-at-Arms of the House of Representatives or his special messenger, and if you find that service on the Defendant was not made by the said Sergeant-at-Arms or his special messenger, you must bring in a verdict of not guilty on the second count.

(20) If you believe from the evidence that the Defendant was served with an alleged summons or subpoena to give testimony before the House Committee on Un-American Activities which was unsigned or not signed by any person authorized to issue the same, you must bring
591 in a verdict of not guilty on the second count.

(21) In considering whether the Defendant was actually summoned by the authority of the House of Representatives to give testimony before a committee of that house, you must take into consideration all the circumstances surrounding the issuance and service of the alleged summons which are in evidence.

* * * * * * * * *

(23) Wilfulness is a state of mind. You must consider the state of mind of the Defendant at the time the offense alleged in the second count of the indictment occurred, and you must determine whether the defendant was wilful or not at such time.

(24) The absence of wilfulness may be deduced from the Defendant's conduct, from the things he did or said, and from all other circumstances which surrounded his

alleged refusal to answer the questions put to him by the House Committee on Un-American Activities as charged in the second count of the indictment.

(25) In the commission of an offense under the law under which the Defendant is charged in the second count of the indictment, wilfulness denotes an act done with an evil purpose, without justifiable excuse, and done without ground for believing it lawful, or conduct marked
592 by careless disregard of whether or not one has a right to act.

(26) If you believe that the Defendant sought and obtained the advice of counsel as to his obligation to answer the question put to him by the Committee on Un-American Activities, and that he refused to answer this question because he acted on such advice and in good faith, you may consider this fact in determining whether or not the defendant's conduct in such refusal was wilful.

(27) If you believe that the Defendant refused to answer the question as charged in the second count of the indictment because he had an honest, bona fide belief that the Committee on Un-American Activities was acting beyond its power and in an unconstitutional manner, you may consider this fact in determining whether or not the Defendant's conduct in such refusal was wilful.

(28) If you believe beyond a reasonable doubt that the Defendant refused to answer a question pertinent to the question under inquiry before the House Committee on Un-American Activities as charged in the indictment, and you do not believe beyond a reasonable doubt that such refusal was wilful, you must bring in a verdict of not guilty under the second count of the indictment.

* * * * * * * * *

593 **Government's Prayer for Instruction No. 1**

You are instructed that if you find beyond a reasonable doubt that the defendant Richard Morford was summoned to produce records before the Committee on Un-

American Activities and that he intentionally refused to produce them as charged in the first count of the indictment, your verdict on that count should be guilty as indicted.

* * * * * * * * * *

600 **Argument to the Jury on Behalf of the Defendant**

* * * * * * * * * *

604 Mr. Lester: There was a long session, and you will recall that my reading of it took a very long time. A lot went on back that day over two years ago on March 6, 1946.

You will recall, I am sure, that as I read the report yesterday there were many questions and answers, that there were many explanations of the questions and answers, that the defendant strove to uphold principles that he firmly believed, and these were important principles.

Mr. Murray: I am sorry to have to interrupt, Mr. Lester, but I believe most of Mr. Lester's argument, Your Honor, has gone contrary to the Court's stated ruling on the law.

The Court: I will sustain the objection.

* * * * * * * * * *

610 **Charge to the Jury**

The Court (Curran, J.): The defendant here, Richard Morford, is on trial under an indictment charging violation of Title 2, Section 192 of the United States Code.

The substance of that section as applicable in this case is every person who having been summoned as a witness by the authority of either house of Congress to give testimony or to produce papers upon any matter under inquiry before any committee of either house of Congress wilfully makes default shall be deemed guilty of a misdemeanor.

It is now your duty to determine whether the defendant is guilty or not guilty of the charges in the indictment.

It is my duty to instruct you as to the law applicable to

this case and that must govern you in your deliberations and in arriving at your conclusion.

You are bound and obliged to follow the Court's instructions as to the law, but you are the sole judges of the facts, and of course you must determine the facts for yourselves, solely on the basis of the relevant evidence adduced before you.

Now, the fact that a defendant has been indicted and is charged with a crime is not in itself to be taken as an indication of his guilt and no inference is to be drawn against him from that fact, because an indictment is merely the machinery of the procedure that the law provides
611 for bringing a defendant to trial. That is the only function of this paper writing which is called an indictment.

Furthermore, every defendant in a criminal action is presumed to be innocent, and that presumption attaches and abides with him throughout the progress of the trial until it is overcome by evidence establishing his guilt beyond a reasonable doubt.

And the burden of proof is on the Government to prove the defendant guilty beyond a reasonable doubt, and unless the Government sustains this burden and proves beyond a reasonable doubt that the defendant committed the crimes with which he is charged, you must find him not guilty.

What do we mean by the term reasonable doubt?

It is exactly what it implies. It is a doubt based on reason, it is predicated on reason, something you may assign as a reason.

It does not mean all doubt. Proof beyond a reasonable doubt is proof to a moral certainty, and not proof to an absolute or a mathematical certainty.

By a reasonable doubt is meant a doubt based on reason and not on capricious conjecture.

It is such a doubt as would leave a juror's mind after a careful and candid investigation of all the facts and circumstances so undecided that he cannot say he has an

abiding conviction of the defendant's guilt, or such
612 a doubt as in the graver and more important transactions of life would cause an ordinary and prudent person to hesitate and pause.

Of course if after an impartial comparison and consideration of all the evidence you can truthfully say that you have an abiding conviction of the defendant's guilt such as you would be willing to act upon in the more weighty and important matters relating to your personal affairs, then you have no reasonable doubt, and it would be your duty under the law to convict the defendant.

On the other hand, if, after an impartial comparison and consideration of all the evidence you can candidly say you are not satisfied with the guilt of the defendant, then you have a reasonable doubt, and under those circumstances it would be your duty under the law to return a verdict of not guilty.

Each and every juror must himself believe that the Government has proved beyond a reasonable doubt every fact in either count of the indictment which is an essential part of the offense charged before the defendant can be found guilty on such count.

And, further, no juror who has and continues to have a reasonable doubt as to the guilt of the defendant on either count has the right to vote to convict the defendant on such count.

In determining whether the Government has es-
613 tablished the charge against the defendant beyond a reasonable doubt, you will consider and weigh all the testimony of all the witnesses who have testified before you. You are the sole judges of the credibility of the witnesses, and it is for you to decide how much weight you are going to give the evidence as you have heard it from the witness stand. You should, of course, analyze it, sift it, separate it, give it that weight which you think it is entitled to.

In determining whether to believe the testimony of any witness, and in weighing the testimony of any witness, you

may consider his demeanor on the stand, his manner of testifying, whether he impresses you as having an accurate memory and recollection, and whether he impresses you as a truth-telling individual.

Unless the Government sustains the burden of proof and proves beyond a reasonable doubt every element of the offense with which the defendant is charged in the first count of the indictment, you must bring in a verdict of not guilty on the first count of the indictment, and, furthermore, unless the Government sustains the burden of proof and proves beyond a reasonable doubt every element of the offense with which the defendant is charged in the second count of the indictment, you must bring in a verdict of not guilty on the second part of the indictment.

The indictment charges the defendant with con-
614 tempt of Congress in wilfully failing to produce certain records subpoenaed by a committee of the House of Representatives, which committee was the House Committee on Un-American Activities, and which was authorized by House Resolution 5 of the Seventy-ninth Congress, adopted January 3, 1945.

These are the allegations that are in the indictment, that this committee, the Committee on Un-American Activities was authorized by House Resolution 5 of the Seventy-ninth Congress adopted January 3, 1945, and in the course of an investigation the House Un-American Activities Committee was seeking to obtain access to the records of the National Council of American-Soviet Friendship, Inc.; that the defendant was a member and executive director of the National Council of American-Soviet Friendship, Inc., and was custodian of its records.

It is further alleged that the defendant was summoned to appear before the Committee on Un-American Activities of the House on March 6, 1946, by subpoena directing the corporation—by subpoena directing the defendant by name to produce before the committee at the time specified certain books, records, papers and documents showing all the receipts and disbursements of money by the National Coun-

cil of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of affiliated organizations for the year 1945.

615 It is further alleged that in response to this subpoena the defendant appeared before the Congressional committee on March 6, 1946, but failed to produce the records called for in the subpoena, as he had the power to do, and thereby wilfully made default.

So much for the first count.

It is alleged in the second count of the indictment that the defendant did appear before the Committee on Un-American Activities of the House of Representatives on March 6, 1946, and was asked a question by the committee of, "Who were members of the Publications Committee of the National Council of American-Soviet Friendship, Inc., which question was—which answer to the question was refused by the defendant.

The Government introduced evidence in support of the various allegations of both counts of the indictment.

There are certain matters of law about which this Court must instruct you in this case.

The Court therefore instructs you that as a matter of law the Committee on Un-American Activities of the House of Representatives was a validly constituted committee of Congress; that said committee had jurisdiction over the matters under consideration; that the documents requested in the first count of the indictment and the question propounded in the second count of the indictment were pertinent to the inquiry; that the committee had a

616 reasonable basis for issuing the subpoena in question, and that the subpoena was not unreasonable in requesting the production of the various documents described therein.

The Court further instructs you as a matter of law that in substance the paper alleged to have been served on the defendant constituted an adequate subpoena.

You are not to concern yourselves with evidence that has been ruled out by the Court, nor are you to consider colloquy between opposing counsel or between the Court and counsel, as they are not evidence.

There are two points which I wish to emphasize, which you should consider in your delibarations in this case.

First, your determination of the guilt or innocence of the defendant must be reached solely on the basis of the relevant evidence adduced at this trial, without any feeling of emotion, bias or prejudice, without any anger on the one hand, and without sympathy on the other.

Second, the nature of the activities of the defendant or of the organization with which he was connected is not an issue in this case, and it is your duty entirely to disregard any speculation on that subject.

The issues which you are called upon to determine and the basic elements of the offense with which the defendant is charged have been and will be defined by the Court, and you should confine your consideration to them.

617 It is incumbent, as I have told you before, on the Government to prove each and all the essential elements of the crime charged.

Briefly, the elements of this offense as applicable to this defendant are as follows:

1. That the Chairman of the Committee on Un-American Activities of the House of Representatives caused to be prepared a subpoena directing the defendant to appear before the committee and produce the records described therein.

2. That such subpoena was signed by the Chairman of the said Committee, and was served by a person designated by the Chairman, by placing the same in the possession of the defendant.

3. That the defendant had custody and dominion and control over the records called for under the subpoena.

That the defendant wilfully made default, that is, wilfully failed to produce the records called for by this sub-

poena, and that in the second count he wilfully refused to answer a question propounded by the committee.

Now, those are the elements that are in this case.

Now, you have noticed that I have used the term wilful or wilfully, and I instruct you that wilful as used in Title 2, Section 192 of the United States Code, that is the section under which the defendant is indicted, means deliberate and intentional, and not inadvertence or accidental;
618 in other words the word wilful does not mean that the failure or refusal to comply with the order of the committee must necessarily be for an evil or bad purpose. The reason or the purpose of the failure to comply or refusal to comply is immaterial as long as the refusal was deliberate and intentional and was not a mere inadvertence or an accident. Thus, the motives of the defendant in failing to comply with the subpoena and his reasons for such failure are not material as long as you find beyond a reasonable doubt that he did so intentionally and deliberately.

The charge in this indictment, although sometimes referred to as contempt does not mean a personal animosity or dislike towards a congressional committee or any of its members. The charge consists of the elements as I have defined them to you.

The defendant takes the position and contends that he did not really, that he did not wilfully refuse to produce the records or wilfully refuse to answer the question.

He further contends that he was privileged to take a position when he was asked to produce the records and answer the question, the correctness of his position to be determined later.

The Court has instructed you what was the meaning of the word wilful in connection with this prosecution, and so a person who declines to comply with a direction of
619 the committee on the basis of the claim that the resolution creating it is invalid or that the committee is exceeding its jurisdiction, or that the request is un-

reasonable, or that the material sought was outside the scope of the investigation, or that the question propounded went to the internal structure and operation of the association and therefore was beyond the scope of the investigation, that person acts at his own peril.

Now, the issue is clear in this case, ladies and gentlemen, and you are to decide it from the evidence as you have heard it from the witness stand.

If you believe and believe beyond a reasonable doubt that the Chairman of the Committee on Un-American Activities of the House of Representatives issued a subpoena and that subpoena was served on this defendant, and that the defendant appeared before the committee on March 6, 1946, and refused to comply with the terms of the subpoena, that is, to produce the records of the National Council of American-Soviet Friendship, and that he did so wilfully, as the Court has defined that term to you, it is your duty under the law to return a verdict of guilty under the first count of this indictment.

If you believe and believe beyond a reasonable doubt that having been subpoenaed, he appeared and was asked the question by the committee as to who constituted
620 the membership of the Publications Committee of the National Council of American-Soviet Friendship, which question this Court has ruled is pertinent to the inquiry, and that he wilfully refused, as the Court has explained the term wilful, that he wilfully refused to answer the question, it is your duty under the law to return a verdict of guilty under the second count.

If, on the other hand, you believe that the Government has not proved beyond a reasonable doubt each and all of the elements of the crimes in the indictment, then of course you must find the defendant not guilty.

If you believe from the evidence that the defendant did not refuse wilfully, of course, to produce the records as the Court has defined the term wilful, or answer the question wilfully, you must return a verdict of not guilty on both counts of the indictment.

You may return verdicts of guilty on both counts of not guilty on both counts, or guilty on one count and not guilty on the other count.

The manner in which I have instructed you that you may return your verdicts is not to be considered by you as indicating anything, as the Court has no desire to indicate what it thinks your verdict should be.

Approach this problem with the same sound common sense that you would approach the problems in your
621 every-day life, and when you have reached your verdict, please notify the marshal.

When you reach your jury room, ladies and gentlemen, you will first select a foreman. Then it will be your duty to sift and analyze the evidence.

As I say, there is only one issue, and that is the wilful defalcation upon the part of the defendant to produce records and answer a question on March 6, 1946, when he appeared before the committee.

If the facts in the case with regard to the defendant are as consistent with innocence as with his guilt, then of course you must find the defendant not guilty.

On the other hand, if they are not, and you are satisfied beyond a reasonable doubt that the Government has proved all the elements in the case as the Court has defined the elements to you, it is your duty under the law to return a verdict of guilty.

Is there anything else?

Mr. Isserman: May we approach the bench?

(Thereupon counsel approached the bench and the following proceedings were had out of the hearing of the jury:)

Defense Objections to Charge to Jury

Mr. Isserman: We believe the Court has inadvertently not charged on 29 and 30 of the defendant's.

The Court: Oh, yes, I did, that is right. Is there
622 anything else while you are up here?

Mr. Isserman: I should like to object to the final portion of the Court's charge. The Court charged as a matter of law the committee was validly constituted.

The Court: That is an element in the Barsky case. Go ahead.

Mr. Isserman: The Court's charge said the committee had jurisdiction.

The Court: That is in the Barsky case.

Mr. Isserman: The Court charged the documents requested in Count 1 and the names asked in Count 2 were pertinent to the inquiry.

The Court's charge that the committee had a reasonable basis to inquire on the matters set forth in the indictment.

The Court's charge that the subpoena was not unreasonable.

The Court's charge that in substance the paper constituted an adequate subpoena.

The Court's charge that the nature of the activities of the defendants is not in issue in this case.

The Court's charge as to the meaning of the word wilfulness excluding therefrom motive or intention, excluding therefrom motive or purpose of the defendant.

The Court's charge towards the conclusion of the charge that if the jury believed that a subpoena was served and the defendant appeared and refused to comply with
623 the terms of the subpoena; that he did so wilfully, that they could find the defendant guilty.

That applies to both counts.

The Court: All right.

Mr. Isserman: There is one other matter I would like to mention. The Court has talked about the witnesses and the evidence by witnesses in this case much evidence was documentary and was read to the jury. Perhaps the Court would want to make some comment on that matter. The case is a little unusual that way.

The Court: Yes, but the documentary evidence you introduce is not in dispute.

Mr. Horsky: Mr. Murray and Mr. Lester read a good deal. They ought to know they ought to consider it.

The Court: Ladies and gentlemen of the jury, the Court neglected to grant two prayers that the defendant had

requested, and that is that the fact that the defendant when he appeared before the Committee on Un-American Activities on March 6, 1946, stated in answer to a question that he as custodian of the records would not allow a committee investigator to inspect the books and records of the organization at its New York office has no bearing on the question of his guilt or innocence on the charge that he refused to produce papers or documents before the committee when summoned as charged in the first count of the indictment.

624 Second, the defendant was not obliged by reason of the service of summons upon him to produce books and records before the House Committee on Un-American Activities as alleged in the first count of the indictment to make those books and records available for inspection at the New York office of the organization to a committee investigator.

And, further, I should tell you when the Court instructed you as to credibility and credence of the testimony, and in referring to witnesses who appeared before you I should also instruct you that the documentary evidence that has been read before you is competent evidence for you to consider, that is, the documentary evidence that has been read before you by both the District Attorney and counsel for the defense.

Take the case, ladies and gentlemen.

* * * * * * * * * *

Verdict of the Jury

The Deputy Clerk: Has the jury agreed upon a verdict?

The Foreman: We have.

The Deputy Clerk: What say you as to the defendant Richard Morford on the first count of the indictment?

The Foreman: Guilty.

625 The Deputy Clerk: What say you as to the defendant Richard Morford on the second count of the indictment?

The Foreman: Guilty.

* * * * * * * * * *

Filed Apr 2 1948 690

Motion for New Trial.

The defendant moves the Court to grant him a new trial for the following reasons:

1. The Court erred in denying defendant's motion to postpone trial until after adjournment of present session of Congress.

2. The Court erred in denying defendant's motion to dismiss indictment as a whole.

3. The Court erred in denying defendant's separate motion to dismiss Count I of the indictment.

4. The Court erred in denying defendant's separate motion to dismiss Count II of the indictment.

5. The Court erred in denying defendant's motion to exclude all Government employees from the jury panel.

6. The Court erred in denying defendant's request to question all prospective jurors on their *voir dire* on certain matters concerning their possible bias and prejudice.

7. The Court erred in denying defendant's request to question prospective jurors who were Government 691
employees on their *voir dire* on certain matters concerning their possible bias, prejudice or fear arising out of their employment by the Government and in denying defendant's motion to examine such prospective jurors out of the presence of other jurors who were not Government employees.

8. The Court erred in admitting into evidence Government Exhibits Nos. 3, 4, and 10, to which objection was made by the defendant.

9. The Court erred in excluding parts of Defendant Exhibit No. 67.

10. The Court erred in admitting testimony of witnesses Corliss Lamont and Richard Morford to which objection was made by the defendant.

11. The Court erred in sustaining objections to and excluding on its own motion questions addressed to the witnesses John W. Carrington, John S. Wood, Corliss Lamont, James Hardin Peterson and to have been addressed to the prospective witnesses John Rankin, Karl E. Mundt and J. Parnell Thomas, and in excluding proffered testimony of said witnesses.

12. The Court erred in refusing, on motion of the defendant, to take judicial notice of matters in the Congressional Record and of various reports of the House Committee on Un-American Activities.

13. The Court erred in denying defendant's motion to enforce subpoenas *duces tecum* which had been issued and served upon the Clerk and Chairman of the House Committee on Un-American Activities and the Clerk of the House of Representatives, and in not directing witness John S. Wood to examine files of the House 692
Committee on Un-American Activities and to produce certain documents contained therein.

14. The Court erred in not permitting defendant to make offers of proof when requested.

15. The Court erred in denying defendant's motions for judgment of acquittal made at the conclusion of the evidence on the question of pertinency and the scope of the subpoena and at the conclusion of all the evidence and in ruling that the documents requested in Count I of the indictment and the question in Count II of the indictment were pertinent to the inquiry; that the Committee had a reasonable basis for issuing its subpoena to defendant; and that the said subpoena was not unreasonable in scope.

16. The Court erred in excluding from the consideration of the jury over defendant's objection Defendant Exhibits Nos. 16, 65, 66, 74, 76, 82, 86 and part of Defendant Exhibit No. 2.

17. The Court erred in charging the jury and in refusing to charge the jury as requested.

18. The verdict is contrary to the weight of the evidence.
19. The verdict is not supported by substantial evidence.

CHARLES A. HORSKY,
ABRAHAM J. ISSERMAN,
WILBUR LESTER,
Attorneys for Defendant.

* * * * * * * * * * *

Friday, April 30, 1948 693

Criminal No. 366-47
Charged with
Vio. Sec. 192, Title 2,
U. S. Code

The Judgment.

Come as well the Attorney of the United States, as the defendant in proper person, according to his recognizance; and by his attorney, Charles A. Horsky, Esquire; and thereupon it is demanded of the defendant what further he has to say why the sentence of the law should not be pronounced against him and he says nothing except as he has already said; whereupon it is considered by the Court that, for his said offense, the said defendant be committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Three (3) months and to pay a fine of Two Hundred and Fifty ($250.00) Dollars; and thereupon the defendant is permitted to remain on bond pending appeal.

* * * * * * * * * * *

Filed Apr 30 1948 694

Notice of Appeal.

Name and address of appellant: Richard Morford, 114 E. 32d St., N. Y. City.

Name and address of appellant's attorney: Charles A. Horsky, 701 Union Trust Bldg., Wash., D. C.

Offense: Violation of Section 192, Title 2, U. S. Code.
Date of judgment: April 30, 1948.
Brief description of judgment or sentence: 3 months and 250 fine.
Name of prison where now confined, if not on bail .....

I, the above-named appellant, hereby appeal to the Court of Appeals of the District of Columbia from the judgment above-mentioned on the grounds set forth below.

RICHARD MORFORD,
Appellant.

CHARLES A. HORSKY,
Attorney for Appellant.

III.

EXHIBITS AND EXCERPTS.

Defendant's Exhibit No. 72.

HOUSE OF REPRESENTATIVES U. S.
Committee on Un-American Activities
Washington

November 13, 1945

Mr. Edward S. Smith
Director, American-Soviet Friendship, Inc.
114 E. 32nd Street
New York, New York.

Dear Sir:

Our Mr. Brewer called at your office on November 12, for the purpose of requesting you to furnish to this Committee a list of the names of those who have donated to your organization, and the amount of each donation, together with a list of the organization's expenditures by name, and amount, for the past twelve months.

In your absence, Mr. Brewer interviewed your assistant, Mrs. Nan Golden, and requested her to convey this message to you.

It will be appreciated if the Committee may have this information at your earliest convenience.

Yours very truly,

ERNIE ADAMSON,
Chief Counsel.

* * * * * * * * * *

Defendant's Exhibit No. 73.

November 19, 1945

Mr. Ernie Adamson
Chief Counsel
Committee on Un-American Activities
House of Representatives
Washington, D. C.

Dear Sir:

As Chairman of the National Council of American-Soviet Friendship I am undertaking to reply to your letter of November 13 to Mr. Edwin S. Smith, our Director. In that letter you repeated Mr. Brewer's request to our organization to furnish the House Committee on Un-American Activities with a list of the National Council's contributors over the past twelve months and also a complete statement of expenditures for the same period.

Since Mr. Brewer stated to Miss Nan Golden of our office staff that your Committee was not investigating the National Council of American-Soviet Friendship, it is a little difficult for me to understand why you should wish to have the information requested. In fact, I am surprised that our National Council should, in any way, shape or manner, be a subject of interest to the Committee on Un-American Activities.

The National Council, which was founded almost four years ago, is a purely American organization trying to educate the people of the United States about our great ally, Soviet Russia, and engaged in the patriotic effort of furthering the aims of our own Government for American-Soviet cooperation and understanding. Our sponsors include some of the most eminent citizens of the U.S.A. Both the U. S. Army and the U. S. State Department have cooperated with us on numerous occasions. Only last week Undersecretary of State Dean Acheson was one of the chief speakers at our Madison Square Garden meeting.

President Truman, General Eisenhower and Admiral King sent greetings to the same gathering. And President Roosevelt sent a personal message to a similar rally a year ago.

In view of the above, we naturally expect that your Committee will not desire to pursue this request further. 2

Very truly yours,

CORLISS LAMONT,
Chairman.

• • • • • • • • • • •

Defendant's Exhibit No. 74.

November 20, 1945

Mr. Corliss Lamont, Chairman
National Council of American-Soviet Friendship, Inc.
114 E. 32nd Street
New York 16, New York.

Dear Sir:

I have your letter of November 19. Do you desire to submit the information voluntarily?

Yours very truly,

ERNIE ADAMSON,
Chief Counsel.

• • • • • • • • • • •

Defendant's Exhibit No. 75.

November 27, 1945

The Honorable J. W. Robinson
House Office Building
Washington, D. C.

Dear Congressman Robinson:

I am enclosing for your interest and information a copy of a letter I have just written to Mr. Ernie Adamson, Chief

Counsel for the House Committee on Un-American Activities.

Mr. Adamson first wrote the National Council of American-Soviet Friendship on November 13 requesting a complete list of contributors and expenditures over the past 12 months. A Mr. Brewer had previously called at our office to make the same demand, but said specifically that the Council was not under investigation. I replied to Mr. Adamson on November 19 asking why he wanted such information if no investigation was under way, stating that our National Council was a purely American organization with American objectives, and suggesting that the Council was hardly a proper subject of interest for the Committee on Un-American Activities. On November 20 Mr. Adamson simply answered: "I have your letter of November 19. Do you desire to submit the information voluntarily?"

It is difficult for me to believe that the Committee itself would wish to push the demands on the National Council made by Mr. Adamson or to back his inadmissible procedures. Our National Council is a private educational organization, financed entirely by Americans and trying to present the American people with objective information about Soviet Russia, our great ally in war and in peace. Our sponsors included some of the most eminent citizens of the U.S.A. and several members of Congress.

What we have been doing since our founding in 1943 and what we shall continue to do is to further the aims of our own government for American-Soviet cooperation and understanding. In this patriotic effort we have had on numerous occasions the collaboration of the U. S. Army, the U. S. State Department and other government agencies. Two weeks ago Under-Secretary of State Dean Acheson was one of the chief speakers at our Madison Square Garden meeting. President Truman, General Eisenhower and Admiral King sent greetings to the same gathering. President Roosevelt sent a message to a similar rally a year ago. Only last week President Tru-

man received at the White House the Council's special guest, the Dean of Canterbury, and myself.

In view of the above, I feel certain that the Committee on Un-American Activities will agree with us that Mr. Adamson's demands are unwarranted.

Sincerely yours,

CORLISS LAMONT,
Chairman.

• • • • • • • • • • •

Defendant's Exhibit No. 76.

November 27, 1945

Mr. Ernie Adamson
Chief Counsel
Committee on Un-American Activities
House of Representatives
Washington, D. C.

Dear Sir:

Since your abrupt and discourteous note of November 20 discloses no reason whatsoever for your demanding lists of contributors and expenditures from the National Council of American-Soviet Friendship, and since there is no indication that your actions in regard to our organization represents an official decision of the House Committee on Un-American Activities, I am taking the matter up directly with the members of that Committee.

Very truly yours,

(signed) CORLISS LAMONT, *Chairman.*

• • • • • • • • • • •

Defendant's Exhibit No. 77.

HOUSE OF REPRESENTATIVES U. S.
Committee on Un-American Activities
Washington

November 30, 1945

Dear Mr. Lamont:

This will acknowledge receipt of your letter of November 27.

I wish to advise you that this matter has been considered by the Committee and they have directed me by unanimous vote to request access to your books and records for and on behalf of the Committee.

Please advise me when it will be convenient for counsel or an investigator of this Committee to visit your office and inspect the books and records.

Sincerely,

JOHN S. WOOD,
Chairman.

. . . . . .

Defendant's Exhibit No. 78.

December 1, 1945

Mr. Corliss Lamont, Chairman

Dear Sir:

I wish to acknowledge receipt of your letter of November 27th.

Chairman Wood has informed me that he wrote to you yesterday requesting access to your books and records and I assume that this action by the Chairman was in reply to the letter of November 27th which you wrote to each member of the Committee. Several of those leters have been referred to me.

Please be good enough to advise me what date will be convenient for our investigators to take a look at your books and records.

Sincerely,

ERNIE ADAMSON,
Chief Counsel.

Defendant's Exhibit No. 79.

December 3, 1945

Dear Mr. Lamont:

I have your letter of November 27 together with a copy of your communication under that date to Mr. Ernie Adamson, Chief Counsel of the Permanent House Committee on UnAmerican Activities.

The House Committee on UnAmerican Activities in its meeting yesterday morning unanimously voted to instruct the Chairman of our Committee, Mr. Wood of Georgia, to request your organization to open its books to the investigators of our Committee. It is the policy of our Committee not to publicize its studies of this type nor the information which those studies reveals unless conditions are found which seem to indicate that Committee action is warranted.

From your letter of November 27, it would appear that you are certain that there is nothing unAmerican in any way connected with the activities or financial transactions of the National Council of American-Soviet Friendship, Incorporated. In view of this fact, I hope you will have no further reluctance in voluntarily permitting our Committee to investigators to inspect your record since I can assure you that there is no disposition on the part of our Committee in any way to embarrass unduly any of your members or your financial contributors.

I am sorry if Mr. Adamson's letter of November 20 appeared to be unnecessarily curt but it does not reflect any

disposition on the part of our Committee to look with undue suspicion upon your organization. I note the names of the number of well-known and highly patriotic Americans among your sponsors and directors and I trust you will welcome the opportunity of demonstrating the good work and noble objectives of your organization by complying to the request you will receive as a result of unanimous Committee action with the full membership of the Committee present and voting.

Cordially yours,

KARL E. MUNDT, M.C.

• • • • • • • • • • •

Defendant's Exhibit No. 80.

December 6, 1945

Dear Mr. Wood:

I have received your letter of November 30 and am giving it my earnest attention. Since the National Council of American-Soviet Friendship naturally regards as a most important matter the request of the Committee on Un-American Activities, it is necessary for me to consult carefully with various Directors and Sponsors of the organization, many of whom live outside of New York City.

Within a few days I expect to have a definite answer for you. Of course I want to clear up this whole business as quickly as possible.

Sincerely yours,

(signed) CORLISS LAMONT,
Chairman.

• • • • • • • • • • •

Defendant's Exhibit No. 82.

December 9, 1945.

Dear Congressman Wood:

The National Council of American-Soviet Friendship, by unanimous vote of its Board of Directors, has decided not to accede to the surprising request of the House Committee on Un-American Activities that it be permitted to send in investigators to examine the organization's books and records. We reiterate that in our opinion the National Council is not a proper subject of interest for your Committee; and we are unable to comprehend how our important work for American-Soviet cooperation and understanding could possibly be considered an un-American activity.

A brief statement on the work of our National Council may serve to clarify the matter. The Council is an educational organization in the broad sense, financed entirely by Americans and trying to present the people of the United States with reliable information about Soviet Russia and American-Soviet relations. Among our more than 200 Directors and Sponsors are some of the most eminent citizens of the U.S.A., including several members of Congress.

Since the founding of the National Council of American-Soviet Friendship in 1943, we have done our best to further the ends of our government for American-Soviet cooperation in war and in peace. And in this patriotic effort we have had on numerous occasions the collaboration of the U. S. Army, the U. S. State Department and other government agencies. Both President Roosevelt and President Truman have shown sympathy with our work.

On November 14 last President Truman, General Eisenhower and Admiral King all sent messages to our great Madison Square Garden meeting, at which England's noted Dean of Canterbury was one of the chief speakers. The Dean of Canterbury, as the special guest of the National Council, likewise addressed large rallies in other cities be-

sides New York and was later received by President Truman at the White House.

Other speakers at our Madison Square Garden meetings have been Edward R. Stettinius, Jr., Acting Secretary of State; Donald M. Nelson, Chairman of the War Production Board; the Earl of Halifax, British Ambassador to the United States; Andrei A. Gromyko, the Soviet Ambassador; Joseph E. Davies, former U. S. Ambassador to the Soviet Union and General Joseph W. Stilwell. 2

The day-to-day work of our organization includes a Speakers Bureau which tries to meet the constant demand for lecturers on the Soviet Union; an Exhibits Department, which supplies photographs on various phases of Soviet life to schools and colleges, libraries and museums, throughout the United States; an Educational Committee, which initiates teachers' conferences and exchange of students between America and Soviet Russia; an Architects Committee, a Music Committee, a Religious Committee and a Science Committee, which stimulate cultural programs on Soviet Russia and cultural interchange with that country.

The activities of the National Council have been open and nation-wide and reported constantly in the public press. Our organization has nothing to conceal. Your Committee has failed to indicate in what manner the activities of the Council bring it within the scope of the investigation that the House of Representatives has authorized your Committee to make. Nor has your Committee given any reason for its demands upon us, though we have repeatedly asked for one.

The National Council does not, to quote the House resolution on this matter, engage in "un-American propaganda activities." It is not "subversive" in any way; and it does not attack "the principle of the form of government as guaranteed by our Constitution."

Your Committee must be aware that inherent in its request is the inference that helping the American people to

understand our Soviet ally and promoting American-Soviet amity are un-American and subversive. For us to yield to a request based on this erroneous inference would not merely cause wanton injury to the work of the National Council, but would also have a deleterious effect upon America's foreign relations and thus be of disservice to our country. In fact, the request of your Committee, if pursued, would in itself contribute to the present reckless campaign to undermine those friendly relations between America and Russia upon which the peace of the world depends.

Accordingly, we must assert our legal and constitutional rights to be free from unwarranted and improper interference by the agents of the Committee on Un-American Activities.

Because of the importance of the issues involved in this matter, I am making this letter public.

Sincerely yours,

CORLISS LAMONT,
Chairman.

• • • • • • • • • • •

Defendant's Exhibit No. 86.

House of Representatives U. S.
Committee on Un-American Activities
Washington

January 31, 1946

Mr. Corliss Lamont, Chairman
National Council of American-Soviet Friendship, Inc.
114 East 32nd Street
New York 16, New York.

Dear Mr. Lamont:

Our staff has studied the literature submitted by you, and after due consideration I have come to the conclusion that a substantial part is political propaganda.

I therefore request your attendance before the Committee on February 6 as agreed when you appeared here before the Committee on the 23rd last.

Yours very truly,

ERNIE ADAMSON,
ERNIE ADAMSON,
Chief Counsel.

* * * * * * * * * * *

Defendant's Exhibit No. 95.

RELEVANT PORTIONS OF THE TESTIMONY OF CORLISS LAMONT GIVEN BEFORE THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES FEBRUARY 6, 1946 (Defendant's Exhibit No. 16)

(Relevant portions on each page referred to are indicated in the margin)

	Page Number	Subject
(a)	738	Tax exemption
(b)	740-741	Sale of Council literature
(c)	742	Connections outside of the U.S.
(d)	742-743	Adamson's reference to brochures as "secret literature"
(e)	743	National Council's interest in education on Soviet Russia
(f)	744	School examinations re seaports
(g)	745-746	Lamont and Rankin on Communism
(h)	747	Lamont and Rankin on Communism
(i)	748, 749	Council non-political—takes no stand on domestic issues
(k)	750	Council limited to program
(m)	753-754	Mundt has no knowledge of National Council
(n)	755	Adamson and Lamont on National Council literature
(o)	758	Adamson describing literature as "political propaganda"

	Page Number	Subject
(p)	765-766	Bonner—suspicion arises on resistance to records
(q)	770	Bonner—reluctance to records is only element of suspicion
(r)	771	Bonner states that in Council's case evidence indicates records are "o.k."
(s)	771	Adamson admits literature is not un-American or subversive

• • • • • • • • • • •

Defendant's Exhibit No. 16.

HOUSE OF REPRESENTATIVES

COMMITTEE ON UN-AMERICAN ACTIVITIES.

Testimony of Corliss G. Lamont, February 6, 1946.

• • • • • • • • • • •

Wednesday, February 6, 1946 734

• • • • • • • • • • •

EXECUTIVE SESSION

• • • • • • • • • • •

Testimony of Corliss G. Lamont, 450 Riverside Drive, New York City. 735

(The witness was duly sworn by the Chairman.)

• • • • • • • • • • •

Mr. Mundt. Let me ask a question. Are the contributions to your organization tax exempt? 738

Mr. Lamont. They are, sir, yes.

The Chairman. If you don't mind, gentlemen, we will let the counsel proceed with the examination, then when he is through we will have any questions that the members of the committee want to ask.

Mr. Adamson. As I understand it, Mr. Lamont, your company is listed in the Bureau of Internal Revenue on a

list—I don't know exactly how to refer to it—I have heard it referred to as the "B" list. Is that right?

Mr. Lamont. I know know. All I know is we have tax exemption for the contributions that are made to us.

Mr. Adamson. In other words, any donor of funds to your educational organization could deduct that donation from his personal income tax?

Mr. Lamont. That is right.

• • • • • • • • • • •

Mr. Adamson. Well, Mr. Lamont, when you were here last you submitted a selection of brochures, books, literature and so forth. Do you print that material and do you print it and give it away or do you sell it? 740

Mr. Lamont. Well, most of it is sold, and actually has the price mark on the cover.

Mr. Adamson. Is that sold at a profit?

Mr. Lamont. Now you are getting me into a question that I can not answer. That is a matter of record that I—it is sold for a profit, that is, it is sold on the basis that anybody would sell a book. Whether we actually make a profit from it, from all our different sales in relation to the cost of printing those particular pamphlets, is something I don't know. 741

• • • • • • • • • • •

Mr. Adamson. What connections have you outside of the United States, Mr. Lamont? When I say "you" I mean your company. 742

Mr. Lamont. It sounds funny to call it a company.

Mr. Adamson. Well, it is a corporation.

Mr. Lamont. We have absolutely no managerial connection with any one or any group outside the United States. We are entirely run by ourselves in this country. Nor do we have any financial connection, either in receiving funds or expenses or anything of that sort. The only thing, Mr. Adamson, you can say is that our literature is for sale in Canada, you see. We may get some money on that basis from Canada.

Mr. Adamson. Your organization does carry on quite a correspondence with persons in Russia, doesn't it? Isn't that true?

Mr. Lamont. It is a very small part of our correspondence, and as I told you that afternoon a couple of weeks ago, it all evolves around cultural interchange. Our Science Committee will write over and find out what they are doing on experiments regarding old age or something like that, and we will get back a letter from some scientist in the Soviet Union, or possibly from some institute. It is all carried on in that way, and is merely our method of trying to keep abreast of the facts about the Soviet Union.

Mr. Adamson. Mr. Lamont, I noticed in some very secret literature that you have books containing suggested radio plays and also suggested examinations 743
for school children in the schools of the United States. I am curious to know what your interest is in the education of the youth of America concerning the political factors in Soviet Russia. Can you explain that to use?

Mr. Lamont. I think so. I want to quote from Dean Acheson's speech at our Madison Square Garden meeting last fall. He is Under Secretary of State.

Mr. Adamson. Yes, I know Mr. Acheson, and couldn't you give us some reasoning or authority of your own? Of course, we can read his speeches.

Mr. Lamont. It is just a little sentence that brings out what we are trying to do:

"I confess I see no way to draw our people into closer understanding except by persistent effort on both sides to free the lines of communication through the press and the radio, through books and magazines, through the exchange of knowledge and culture, and through travel and personnel acquaintance."

* * * * * * * * * *

Mr. Adamson. For example—Mr. Thomas, I 744
would like for you to hear this one question—for ex-

ample, I saw a question in some of these suggested examination papers for school children which read: "Russia has very few seaports. Tell why."

Now, I would like to know how that question and the reasons as to why Russia has very few seaports would have any great influence on friendship between these two countries?

Mr. Lamont. Well, I don't know. I suppose it is something about the history and geography of the Soviet Union which is pertinent. I should think that any question of a geographical and historical nature like that would be quite relevant, really. You might ask the same question about the United States, what kind of seaports we have, and where they are situated.

Mr. Adamson. But this says "why?"

Mr. Lamont. Why? That again is historical—I mean there is some historical explanation, I suppose.

Mr. Thomas. May I ask a question off the record? I want to ask a question of counsel. * * *

* * * * * * * * * * *

Mr. Lamont. No, and I will tell you why that is 745
not on our list. In the first place, Mr. Rankin, because it does not deal particularly with the Soviet Union. It brings up all kinds of extraneous questions about domestic economics in the United States, and we are not concerned with that.

Mr. Rankin. It deals with Communism.

Mr. Lamont. We are not concerned with Communism as such. We are concerned with life and culture in Soviet Russia, and we are very careful not to become involved in a discussion of economic or political system, because we take no stand on that.

Mr. Rankin. Have you ever given your readers any information of the wholesale rape of women in the Russian occupied areas of Europe, by these publications you get out, or in any other way?

Mr. Lamont. Of course, these go to school children, you know, and we have to be a little careful. 746

Mr. Rankin. But the teachers are old enough not to be shocked by the facts of life.

Mr. Lamont. We really don't take up to a great extent any of these different things that go on outside of the Soviet Union. I mean these charges are pretty extreme, and there would be a real question of wisdom in trying to give them out as bona fide facts.

• • • • • • • • • • •

Mr. Rankin. If we do have a war, don't you think that the American people should have both sides of 747
the question as to what Soviet Russia is attempting to do, or the Communist Party is attempting to do to the American way of life and American institutions?

Mr. Lamont. Honestly, that is outside of my scope in this organization, to talk about the Communist Party in the United States. We have no relations with the Communist Party, and what it does is none of our affair, any more than what the Republican Party does, as such.

Mr. Rankin. The Communist Daily Worker reaches you every day, doesn't it?

Mr. Lamont. I don't know.

Mr. Rankin. Haven't you read that illuminating document?

Mr. Lamont. Which document, the Daily Worker?

Mr. Rankin. Yes.

Mr. Lamont. Sure, I read it once in a while, but so does the New York Times and PM and the Herald Tribune.

• • • • • • • • • • •

Mr. Lamont. I am not taking that stand, Mr. 748
Rankin. I just don't think that that question is within the scope of what we are discussing here today, or within the scope of the National Council of American Soviet Friendship. I will explain why. We don't draw any political lines in the organization. It is non-political, you see.

We don't ask whether the person is a Democrat or a Republican, or a Communist if he wants to work with us or come to a meeting or something like that. In other words, we can't go into that question without taking away undermining our own progress. And we don't take a stand on domestic American issues.

. . . . . .

Mr. Lamont. As Chairman of this organization, 749
Mr. Rankin, I am not willing to take a stand on domestic issues, because that immediately, as I say, would cut into our tax exemption, and can't bother with it. We don't bother with it. We have our job of getting facts from the Soviet Union. We can't take up political questions.

. . . . . .

Mr. Lamont. I only mean in this sense, that we, as you know, are very careful to sincerely and honestly stay within the provisions of the law, whatever they are, and we therefore don't take any position on domestic legislation, or try to affect domestic legislation.

. . . . . .

Mr. Lamont. The National Council of American- 750
Soviet Friendship stands squarely for its program. Here it is in the brochure. We could not take on a lot of stuff which is absolutely extraneous to our work, and that is what I am trying to get across to this committee, that we are limited in our work, and we stick to it, and that is why I don't want to discuss the question.

. . . . . .

Mr. Mundt. I never heard of your organization, 753
and I am interested, as you are, in improving friendly relationships between the Soviet Union and 754
this country.

. . . . . .

Mr. Adamson. Isn't it true that the great part of 755
the literature published by your organization is directed

toward—well, let us say endorsement or recommendation of the Soviet form of government?

Mr. Lamont. Mr. Adamson, I noticed you said in your last letter to me that it had a lot of political propaganda in it, and that is not true. In the first place—and I couldn't see what business it was of this committee anyway—I mean thousands of organizations carry on political propaganda, but now answering specifically this question, I will say categorically that there is no paragraph or even a sentence in any pamphlet or other piece of literature put out by our National Council that recommends the Soviet system of government, or is against any other system of government whatsoever. If there is, I say it is obsolutely out of order, because we do not take a stand on the Soviet form of government. We are giving specific facts, and I challenge anyone to find such a statement.

The Chairman. Conversely to that, is there anything in your literature that you are giving out, taking a stand for the American form of government over any other form of government?

Mr. Lamont. No, I don't believe there is. That is, we don't enter into the question.

• • • • • • • • • • •

Mr. Adamson. And I wrote you last week and told 758
you that we had decided that some of your literature contained political propaganda, therefore we wanted you to come back, so you are here today.

• • • • • • • • • • •

Mr. Bonner. He didn't ask you that. He asked 765
you if you were willing to let our investigators go in and make an investigation. This is the only thing that makes me suspicious about these witnesses that come in here and they make a nice witness and I go along with them, and then when they get to the place where they have got something that we want, they want to hide it. I am willing to go along with pretty nearly everything you say

myself, but when you have got something you want 766
to hide, I get suspicious. You are the second witness
that has come up here and put up the same kind of argument, that nobody seems have the responsibility. That is the way I view it.

* * * * * * * * * * *

Mr. Bonner. * * * Some organizations, yours and 770
one other, have shown considerable reluctance, which
reluctance, in my opinion, is the only element of suspicion about the organization. I just can't understand why an organization functioning in America should refuse to let a committee of Congress look at its records.

* * * * * * * * * * *

If you force us to take action we have got to either abolish the committee and say there shouldn't be any
investigation at all of anybody anywhere, or else we 771
have got to have a thorough look at the records and
arrive at the conclusion that everything is O.K. In your case, from the evidence you have given us, it probably is.

Mr. Lamont. Well, you see, I just don't understand why you should be investigating us at all. The worst Mr. Adamson says about our literature is that it has political propaganda in it. He didn't say it was un-American or subversive.

Mr. Adamson. That is all I have seen of your records.

* * * * * * * * * * *

Defendant's Exhibit No. 3A.

COPY OF LETTER ADDRESSED BY CORLISS LAMONT, CHAIRMAN OF THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, TO ALL MEMBERS OF THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES.

February 8, 1946.

Dear Congressman:

For your interest I am enclosing a copy of U.S.A.-U.S.S.R., Allies for Peace, the latest pamphlet issued by the

National Council of American-Soviet Friendship. I brought copies of this publication to present to members of the House Committee on Un-American Activities at the hearing last Wednesday, but did not get an opportunity to do so.

I hope that you will examine this pamphlet carefully for "un-American" utterances, especially in the speeches or statements of Under-Secretary of State Dean Acheson, Secretary of War Robert P. Patterson, Chief of Staff Dwight D. Eisenhower, Admiral Ernest J. King, Mrs. Franklin D. Roosevelt and President Harry S. Truman. The point is, of course, that if the National Council is "un-American," then so is the Government of the United States.

I am sorry that the House Committee on Un-American Activities plans to pursue further the matter of our National Council and I urge you once more to drop this fantastic business. I also want to make it clear again that our organization has nothing to conceal, but that from the start we have regarded your actions against the Council as unwarranted and beyond your scope. These considerations apply with particular force to your attempted "investigation" of our correspondence and financial records. The Council opposes your Committee here and all along the line as a matter of fundamental principle based on the American Bill of Rights and freedom of thought.

The House Committee and its Chief Counsel have purported to be following the procedures laid down in the Brookings Institution pamphlet, "Suggested Standards for Determining un-American Activities." However, in actuality your Committee has constantly violated those standards; and itself falls within the Brookings definition of "un-American." This is clear from the passage on page six reading: "It is un-American for any department, agency, or officer of the government to exercise or attempt

to exercise any power not conferred by law or to use any power in a way not authorized by law."

Sincerely yours,

CORLISS LAMONT,
Chairman.

. . . . . .

Defendant's Exhibit No. 3B.

(Included in Defendant's Exhibit No. 3A)

U. S. A.—U. S. S. R.

ALLIES FOR PEACE.

. . . . . .

INTRODUCTION. 3

Innumerable American citizens who recognize that American-Soviet cooperation is the key to international peace and security, have found in the periodic mass meetings arranged by the National Council of American-Soviet Friendship a welcome means of furthering the great cause of United Nations unity.

Not every one can come to New York City for these meetings nor does the radio bring to America more than a glimpse of their content. To make the latest of them available is the purpose of this pamphlet. Here, word for word, are the addresses and messages that thrilled twenty-one thousand people in Madison Square Garden, on November 14, 1945. We believe they constitute an important document in the history of America's progress toward a better and happier world, in cooperation with our great war and peacetime ally, the U.S.S.R.

. . . . . .

GENERAL DWIGHT D. EISENHOWER, 9

Chief of Staff, United States Army.

American-Soviet friendship is one of the cornerstones on which the edifice of peace should be built. To achieve this

friendship nothing is more important than mutual understanding on the part of each of the institutions, traditions and customs of the other. In the military field we found the Red Army ready to cooperate promptly and effectively with our own forces.

Moreover the extremely able Soviet leaders with whom we have come in contact have exhibited always an attitude of personal friendliness, consideration and patience.

As an American soldier and lover of peace, I wish your Council the utmost success in the worthy work it has undertaken.

* * * * * * * * * * *

PRESIDENT HARRY S. TRUMAN. 10

The President has asked me to extend to you every good wish for the success of the meeting and to assure you of his interest in all efforts to continue the good relations between this country and the Soviet Union.

(Signed) ELBRIDGE DURBROW, *Chief,*
Division of Eastern European Affairs.

Text of Message to

PRESIDENT HARRY S. TRUMAN.

from Madison Square Garden Meeting, New York
Wednesday Evening, November 14th, 1945.

On the occasion of the 12th anniversary of the establishment of diplomatic relations between the United States of America and the U.S.S.R., a great assembly of American citizens at Madison Square Garden, New York, offers you their full support in any measures which you and the State Department acting under your direction may take to insure the closest collaboration between the United States and the Soviet Union.

* * * * * * * * * * *

HON. DEAN ACHESON, 11

Under-Secretary of State.

* * * * * * * * * * *

With the menaces to the security of both countries removed it would seem that there are both time and area within which to solve all questions arising out of the need of our two countries for security. The path to solution is both through the United Nations Organization, which we have joined in establishing, and in following in our dealing with other nations the principles upon which we have agreed in the Charter. 14

• • • • • • • • • • • •

I confess I see no way to draw our peoples into closer understanding except by persistent efforts, on both sides, to free the lines of communication through the press and the radio, through books and magazines, through the exchange of knowledge and culture, and through travel and personal acquaintance. What we and the Soviet people need from each other and what we are entitled to ask was summed up by Marshal Stalin in a talk with Senator Pepper. "Just judge the Soviet Union objectively," said Marshal Stalin. "Do not either praise us or scold us. Just know us and judge us as we are, and base your estimate of us upon facts and not rumors." 15

• • • • • • • • • • • •

Defendant's Exhibit No. 87.

Congress of the United States
House of Representatives
Washington, D. C.

February 11, 1946

Mr. Corliss Lamont, Chairman
National Council of American-Soviet Friendship, Inc.
114 East 32nd Street
New York, New York

Dear Mr. Lamont:

I have your letter of February 8, copies of which you say have been forwarded to all members of Congress, written in

connection with the request of the House Committee on Un-American Activities that our representatives be permitted to examine the books of the National Council of American-Soviet Friendship, Inc.

I continue to hope and to believe that as your letter says, your organization has nothing to conceal. Frankly, it has until very recently been my belief that our investigation of your books would prove that statement to be a fact. I must admit, however, that your persistent effort to take every possible step to keep a shroud of secrecy around your contributors and prevent our representatives from looking at your files have raised some doubts in my mind. In all events, it has been the experience of our committee that organizations with nothing to conceal are perfectly willing to cooperate with our staff members whereas those about which there seems to be some doubt are inclined to grasp at every technicality to confuse the issue and conceal their supporters and associates.

As you were informed in the committee room the other day, our committee has no disposition to publicize your contributors or associates and unless something of an un-American character develops from an examination of your files by our committee representatives, no publicity will emanate from such a procedure.

You are right in your assumption that our committee is endeavoring to follow the procedure recommended by the Brookings Institution. You are wrong in assuming, however, that our committee is exercising or attempting to exercise any power not conferred by law because the law establishing our committee specifically sets up the procedure which you so persistently—and in my opinion, so unfortunately—oppose. Obviously, if we were to proceed with less authority than that contained in the law creating our

committee, we might as well close up shop as an investigatory branch of government.

Cordially yours,

KARL E. MUNDT.
KARL E. MUNDT, M. C.

• • • • • • • • • • •

Defendant's Exhibit Nos. 88 and 89.

February 19, 1946

Congressman Karl Mundt
House Office Building
Washington, D. C.

Dear Mr. Mundt:

Your letter of February 11 raises several issues that I should like to answer. In the first place, you and the House Committee on Un-American Activities make a wrong and illogical assumption in thinking that, because an organization stands on its legal rights and also opposes on principle an investigation by your Committee, therefore there must be something suspicious and un-American about said organization. Practically every progressive individual and organization in the country now oppose your Committee. Your interpretation of this opposition as "un-American" is one of the silliest yet most ominous things about the Committee. Under our Constitution and Bill of Rights, thank heaven, it is still perfectly permissible for citizens to express disagreement with Congress, congressional committees and government officials.

In the second place, the National Council of American-Soviet Friendship is not grasping at technicalities or confusing the issue. It is not our fault if your Committee has an inept counsel who knows neither the law nor the English language and who dictates subpoenas that even he himself cannot understand.

The Council, furthermore, has never made an effort to conceal its activities from anyone. As I said at the hearing

on February 6, we should be glad to have the proper organ of the United States Government inspect our financial records and lists of contributors if there is any question about our tax exemption for gifts. That proper organ is the U. S. Treasury Department. Yet your Committee, going completely outside of its scope, is setting itself up as a judge of this technical matter of tax exemption. And when I made this point and reminded you that the American system of government operates on the basis of a separation of powers, Congressman Rankin wanted to have me cited for contempt! Thus Mr. Rankin, the dominating figure on your Committee, clearly implies that upholding the U. S. Constitution is illegal.

If you refer to pages 5-6 of the Brookings Institution's "Suggested Standards for Determining Un-American Activities," you will see that it is considered un-American "for any person or association of persons to deprive or attempt to deprive any individual or group of individuals of any of these rights with which government itself cannot constitutionally interfere"; "to advocate or to attempt changing the Constitution of the United States or the laws passed in accordance therewith, *other than by the processes and procedures laid down in the Constitution*" and "for any individual *secretly* to take action to promote the interests of a foreign nation or association."

The National Council of American-Soviet Friendship as such lies utterly outside the first two definitions of "un-American," because we do not take a stand on domestic issues and legislation. And we lie outside of the third definition, both because we do not promote the interests of a foreign nation or association, but the interests of the United States and American-Soviet cooperation in general; and also because we do nothing *secretly*. All of our work since the founding of the organization has been open and aboveboard.

As for your claim that the Committee would not publicize our contributors, etc., unless "something of an un-American

character develops," the record of the old Dies Committee and of the present Committee up to date is not reassuring on this point. In your recent letter to Drew Pearson you yourself apologize for the frequent leaks from the Committee to the press. And there have been additional leaks since that letter was written. So we have plenty of reason to fear that if your Committee obtained lists of our contributors, which are obviously a confidential matter, they would soon be published with derogatory comment in the Hearst press and added automatically to some Gestapo list of "un-American" Americans.

What I cannot quite understand, Mr. Congressman, is how a Representative of your calibre and apparent reasonableness can play along with this disreputable group that runs the House Committee. You yourself have to keep writing letters to Drew Pearson and the American Civil Liberties Union to dissociate yourself from the Committee. And I should think that the time had come for you to join other liberty-loving Americans in opposing this Committee's un-American activities.

Very sincerely yours,

CL:G

(Original was signed by Corliss Lamont.)

• • • • • • • • • • •

Government's Exhibit No. 3.

Original 902a

By Authority of the House of Representatives of the Congress of the United States of America

To the SERGEANT AT ARMS, or his Special Messenger:

You are hereby commanded to summon Mr. Richard Marford, Director of the National Council of American-Soviet Friendship, Inc., located at 114 East 32nd Street, New York City, New York, to be and appear before the

Un-American Activities Committee of the House of Representatives of the United States, of which the Hon. John S. Wood is chairman, and to produce all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945 in their chamber in the city of Washington, on February 20, 1946, at the hour of 10:00 o'clock, A.M., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th day of February, 1946.

JOHN S. WOOD,
Chairman.

Attest:

JOHN W. CARRINGTON,
Clerk.

* * * * * * * * * *

Defendant's Exhibit No. 93.

RESOLUTION ADOPTED AT A MEETING OF THE BOARD OF DIRECTORS OF THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, WEDNESDAY EVENING, FEBRUARY 13, 1946.

WHEREAS the National Council of American-Soviet Friendship is on record in opposition to any investigation of its records and internal affairs by the House Committee on Un-American Activities as being wholly unwarranted, beyond the legitimate powers of that Committee, for no legislative purpose, but designed to smear the National Council and to injure the friendly relations between this country and the U.S.S.R., and

WHEREAS the National Council is determined to resist with all its powers the imputation leveled by the Committee that the important task of building American-Soviet friendship is un-American, and

WHEREAS the said Committee has subpoenaed Richard Morford, the Executive Director of the National Council, who has custody of the aforesaid books and records,

NOW THEREFORE BE IT RESOLVED that this Board directs the Executive Director and other officers, members of the Board, Executive Committee or of the staff who have been, or may hereafter be, subpoenaed by the aforesaid Committee, to resist to the maximum limit permissible under the law, the production of the books and records of the Council and the giving of testimony on its internal affairs and, to that end, we further direct that he or they consult with counsel and take such action as he or they deem necessary or advisable to accomplish the aforesaid result.

• • • • • • • • • • •

Defendant's Exhibit No. 2.

HOUSE OF REPRESENTATIVES

Committee on Un-American Activities

Washington, D. C., Wednesday, March 6, 1946.

Excerpts from Transcript.

• • • • • • • • • • •

STATEMENT OF RICHARD MARFORD, DIRECTOR OF THE NATIONAL COUNCIL OF AMERICAN SOVIET FRIENDSHIP, INC., 114 EAST 32ND STREET, NEW YORK CITY, NEW YORK. 887

• • • • • • • • • • •

Mr. Adamson. I understand that the stated purposes of the National Council when it solicits the funds on which it operates are: "To promote better understanding and strengthen friendly relations between the United States and the Soviet Union; to give the American 896

people reliable information on all aspects of Soviet life; to give the American people an opportunity to express their admiration and friendship for our Russian allies; and to take specific action against anti-Soviet propaganda aimed at dividing the United Nations."

• • • • • • • • • • •

Mr. Adamson. In words and substance that is a brief resume of the objectives of the organization? 897

Mr. Marford. That is right.

Mr. Adamson. There is nothing in there that is untrue? There may be something left out? 898

Mr. Marford. That is right, sir.

Mr. Adamson. But so far as it goes, it is correct?

Mr. Marford. Yes, I follow that.

Mr. Adamson. I offer this for the record, Mr. Chairman.

(The paper referred to follows:)

National Council of American-Soviet Friendship, Inc. 898a

114 East 32nd Street
New York 16, N. Y.

ORIGIN & PURPOSE: . . . Its stated purpose is "to promote better understanding and strengthen friendly relations between the United States and the Soviet Union; to give the American people reliable information on all aspects of Soviet life; to give the American people an opportunity to express their admiration and friendship for our Russian ally; *to take specific action against anti-Soviet propaganda aimed at dividing the United Nations.*"

• • • • • • • • • • •

Mr. Adamson. • • • 899

At this point, Mr. Chairman, I want to offer for the record a memorandum which is in the nature of a credit memorandum that is issued by the National Information Bureau, Inc., of New York, and the information contained therein is the information given out by this gentleman's

Council. Would you like to read it? (Handing a paper to the witness.)

Mr. Marford. This is the National Information Exchange?

Mr. Adamson. The National Information Bureau, Inc., which is the crediting agency for the Community Chests all over the country. I offer this for the record, Mr. Chairman.

The Chairman. It may go into the record.

(The document referred to follows:)

. . . . . .

Government's Exhibit No. 12.

(Part of the Defendant's Exhibit No. 2.)

National Information Bureau, Inc. 881-E

Important

This report is a privileged communication and is strictly for the confidential information of the person or organization to whom it is addressed.

National Council of American-Soviet Friendship, Inc.
114 East 32nd Street
New York 16, N. Y.

Origin & Purpose: The National Council of American-Soviet Friendship, Inc. was organized in November 1942 and incorporation in February 1943 under the non-profit membership corporation laws of the State of New York. Its stated purpose is "to promote better understanding and strengthen friendly relations between the United States and the Soviet Union; to give the American people reliable information on all aspects of Soviet life; to give the American people an opportunity to express their admiration and friendship for our Russian ally; to take specific action against anti-Soviet propaganda aimed at dividing the United Nations."

Officers:

Chairman: Corliss Lamont
Vice-Chairmen: Arthur Upham Pope, William Morris, Jr.
Treasurer: Samuel B. Leavin
Vice-Chairman & Exec. Director: Edwin S. Smith
Among the Board of Directors are:
Zlatko Balokovic
Mary McLeod Bethune
Prof. Henry Pratt Fairchild
Thomas L. Harris
Raymond C. Ingersoll
Rev. Adam Clayton Powell
Herman Shumlin
Dr. Henry E. Sigerist
Vilhjalmur Stefansson

Program: The National Council carries out its purpose through publications, exhibits, public meetings and professional and cultural committees. Publications include over 30 pamphlets on Soviet life and American-Soviet relations for each of which average circulation is estimated at 15,000. Exhibits for showing in museums, public libraries, schools and colleges cover 25 subjects.

A Congress of American-Soviet Friendship was held in New York City in 1942 and again in 1943, with panel discussions on science, culture, labor and other topics, the panels having both American and Soviet speakers. Each Congress culminated in mass meetings at Madison Square Garden with prominent speakers from both governments. Similar meetings have also been organized in a number of American cities.

The formation of committees for professional and cultural interchange between the USA and USSR has been a major activity of the Council. Among the titles of these committees are: Artists, Architects, Musicians, Theatre, Science and Education. The committee

881-F

activities include separate publications, exhibits and meetings, to promote exchange of information and materials between the particular committees and similar groups in the Soviet.

Local Councils of the National Council function in over 30 cities of the United States. Their programs locally follow generally that of the National.

Finances: Financial records are audited by an independent firm of certified public accountants. The following figures are taken from an audit for the year 1944 filed with the Bureau:

Income		
Contributions	$74,528.29	
Admissions to Mass Meetings, Conferences, etc.	32,178.02	
Publications—Sales & Subscriptions	29,214.06	
From Councils, Speaker's Fees, Dues and Miscellaneous	13,801.58	
Total		$149,721.95
Expenses		
Division Activities Costs	$57,374.48	
Other Activities Costs	42,959.97	
Administrative Expenses	26,905.49	
Total		$127,239.94

The cash balance at the end of 1944 was $23,138.51. The Budget for 1945 is $125,000, this anticipated income to be expended on program items and administration in about the same proportions as in 1944. Contributions are deductible for income tax purposes.

Conclusion: It is exceedingly difficult to assess accurately the effectiveness of propaganda organizations and their impact upon masses of people. For this reason the Bureau

suggests independent decision by its members. It hopes that these notes will be of some assistance in that connection.

NATIONAL INFORMATION BUREAU, INC.

* * * * * * * * * *

Defendant's Exhibit No. 2 Continued.

Mr. Adamson. I have one more question. For the benefit of the committee, would you be good enough to refer to that memorandum on the purposes and objectives of your organization, and refer to the last sentence which reads: "To take specific action against anti-Soviet propaganda." I am interested to know, Doctor, from your brief connection with the organization, what you conceive to be the meaning of the phrase "to take specific action against." What does the organization do with relation to that phrase? If you don't know, say so. 908

Mr. Marford. I do not know exactly how we would choose to implement that from time to time. We would be engaged in the business of presenting the facts about the Soviet Union, in order to permit the people to make their own appraisal of the relationships that are possible and practical between our two nations, and that is the effective way of taking specific action against so-called "anti-Soviet" propaganda. We are engaged in that educational task. 909

Mr. Adamson. And that is a substantial element for which your funds are disbursed? Is that true?

Mr. Marford. I should rather say it is an element, that the great volume of our work is directed to the business of making facts known concerning the life and the people of the Soviet Union, and that in itself for us constitutes the most effective answer to that which is a biased viewpoint that may be expressed about the Soviet Union.

Mr. Adamson. And you transmit information and reports to the Soviet Union, do you not?

Mr. Marford. Any of our educational materials may be shared with them, yes.

Mr. Adamson. You transmit such facts as you think would be of value and interest to the Soviet government, through your correspondent in Moscow?

Mr. Marford. I do not recognize your speaking about a correspondent in Moscow.

Mr. Adamson. Whom do you send them to in the Soviet Union?

Mr. Marford. The Inter-Cultural Agency in the Soviet Union. The Inter-Cultural Agency is Vox, the popular name, and it is to them that we would send any of the published materials, the same as we would share those published materials with people here. 910

Mr. Adamson. That is all I have, Mr. Chairman.

Mr. Mundt. In your dissemination of facts about the Soviet Union to the good people of the United States, have you in any of your printed literature pointed out that in the stores of Russia they have a unique pricing system whereby the officers of the government and the high ranking members of the Party have discount cards permitting them to buy merchandise at reduced prices as compared with the general public?

Mr. Marford. I do not know that any such information has been disseminated.

Mr. Mundt. That is a well substantiated fact, a rather unique fact, that I should think your organization would want its readers to know.

Mr. Marford. I do not know whether that information in that area has been communicated or not in our published materials.

Mr. Mundt. To the best of your knowledge as the Executive Director it has not?

Mr. Marford. So far as I know it has not.

Mr. Mundt. Would you be able to give us any reason why it has not? I mean the facts out of Russia are both savory and unsavory, from the standpoint of the

American concept, and I wondered whether you ac- 911
quaint the American people with only those facts that are considered politically palatable, or whether you present an objective array of facts. That is why I am asking the question.

Mr. Marford. Yes, we have, of course, set for ourselves the policy of presenting facts with reasonable objectivity. The underlying core of effort is directed towards friendship with the Soviet Union and understanding of the Soviet Union, but the kind of information that we try to enter in publications is that kind of information that will stand on the objective appraisal, and upon which the American people may make their own judgment.

Mr. Mundt. In your presentation of facts about Russia have you presented to your auditors and readers the fact that in its industrial processes the Soviet government engages its workmen to operate on an established minimum price or wage scale, which is supplemented by piecework and a speed-up arrangement in order for them to increase production and increase their income? To the best of your knowledge has that fact been set forth?

Mr. Marford. I do not know whether we have made any kind of statement with regard to the situation that you have indicated. You understand I am not at all indicating that I would accept that your statement is correct. I am only offiering you what, to my knowledge, has been done.

Mr. Mundt. Maybe you don't know all of the facts 912
about Russia, and maybe you don't know all of the information that organization has distributed about Russia. I am simply asking whether, to the best of your knowledge, such a statement has been made available to the American public, whether facts or not, just as a matter of record?

Mr. Marford. No, I don't know whether it has or not.

Mr. Mundt. Have you been to Russia recently?

Mr. Marford. No, I have not been to Russia ever.

Mr. Mundt. It would be highly illuminating for you to go, highly illuminating.

Mr. Adamson. Mr. Mundt has been there.

Mr. Marford. Yes, I appreciate that fact.

Mr. Mundt. I think that if you were to go it would help you in your job of presenting the facts to the American public.

The Chairman. Along that line I will ask you whether or not you have any information that the organization that you head now, the National Council of Soviet-American Friendship, in the dissemination of the facts and information concerning the Soviet Union, has ever made known to its audience, its readers, or those to whom information is sent, any information critical of the internal operations, political or economic set-up of Communist Russia?

Mr. Adamson. Have you ever been critical, or has anything critical ever emanated from your organization of the form of government, the political set-up or the 913 economic conditions in Russia?

Mr. Marford. Well, the purpose of our educational material is to lay out the facts, and concerning that, different persons will make different appraisal of those facts and themselves make the inferences and conclusions that may be critical of that particular situation, the story of which may have been given in our publications. But whatever inferences there are, or conclusions, that may be critical, that the reader may draw, we are not responsible for those conclusions.

The Chairman. I ask you whether or not, if you yourself, as the Executive Director of the organization, entertain an opinion of the political and economic set-up in Russia, you are ready to criticize, as the Director of the Council and in supporting the policy which has been a matter of practice for the Council?

Mr. Marford. We take no position with regard to a political system.

The Chairman. And you have no critical opinion about it now, about either the political or economic system of Russia?

Mr. Marford. That is exactly correct, sir. As Executive Director of this organization I do not attempt to make a final evaluation of the economic system or political system as it is in Russia.

Mr. Mundt. Then let me ask another question right along that line. To the best of your knowledge 914
is there available to this commitee, in the printed material or the transcription of speeches which either you or Mr. Lamont have produced, any recommendations or suggestions from your organization for alteration or modification or change in the Russian political and economic and diplomatic practices which your group feel if made by Russia would help to create greater friendship with the United States?

Mr. Marford. I do not know about the material, all the material that has been published, except that we would not count it our responsibility to make recommendations with regard to government or economic systems or modes of conducting their affairs. We do not want to make recommendations in line with educational policies.

Mr. Mundt. So far as your knowledge of the material goes, you can say then that you have not made suggestions for modification or changes in the Russian pattern that you believe would help create greater friendship between the two countries?

Mr. Marford. Yes, sir.

Mr. Mundt. So far as your knowledge goes?

Mr. Marford. So far as my knowledge goes, yes.

. . . . . .

Mr. Marford. Now, gentlemen, what about a state- 923
ment that ought to go into the record, which would vindicate our position completely? 924

The Chairman. You can leave anything with the committee that you desire to.

Mr. Marford. Well, it may be made a part of the record?

The Chairman. The committee will determine that.

. . . . . .

Mr. Adamson. Now, I would like to put into the 925
record the memorandum which I told you gentlemen would be prepared, and we have spent many hours on this. We have had a previous report which was not complete or thorough enough, so I am not going to put the entire memorandum in.

The Chairman. What is that?

Mr. Adamson. This is a memorandum that Mr. Russell and I worked out. We read these publications, and there is the digest and the resume of the stuff that they publish.

The Chairman. It is all along the lines that you asked him about this morning?

Mr. Adamson. Exactly.

The Chairman. Or have you just taken publications and copied them verbatim?

Mr. Adamson. No, we digested them.

The Chairman. And put only such material in there as you questioned?

Mr. Adamson. That is right. I would like to have this in the record. It shows this as a memorandum prepared by counsel, with the help of investigator Lewis J. Russell. It is a brief resume of some of the publications of the National Council of American-Soviet Friendship, Inc., together with specific quotations from those publications.

The Chairman. It may go in, and we will adjourn until 11 o'clock tomorrow morning. 926

(The document referred to follows:)

Subject: National Council of American-Soviet Friendship, Inc. 926-a 1

To: John S. Wood, Chairman
Attention: Ernie Adamson, Chief Counsel
Report of: Louis J. Russell, Investigator

COMPREHENSIVE REPORT CONCERNING PUBLICATIONS ISSUED BY THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC.

As stated in a previous report the publication entitled the "Reporter" issued by the organization under investi-

gation is a propaganda organ intended to create sympathy for the Russian position in Europe and the Far East. This publication follows in part the procedure employed by the German Library of Information prior to the second world war. The German Library of Information distributed numerous documents defending Germany's position in Europe in order to create sympathy in the United States for Germany's ambitious plan of conquest and expansion.

This publication states in its September 15, 1945 issue that the way to world peace is through cooperation between Russia and the United States. Yet as this report continues the reader should notice how the United States is criticized and the Soviet Union praised for its efforts to bring about peace. The type of propaganda used in this publication is what might be termed propaganda of the intellectual type.

The September 15, 1945 issue contains propaganda intended to create American sympathy for the extension of credit to Soviet Russia. The publication says 2 that possibilities of trade to the mutual benefit of both countries are boundless. It says there is no compulsion toward a contest for markets, for the Soviet Union has its own internal market to supply which will keep its industry expanding for many years and the United States will need the Soviet market for its exports. In other words Russian industry is expanding in that country, American industry is stagnant in our own country. We should loan money to Russia in order to sell them goods with which to build up that expanding country. It is conceded in the publication that the success of the Russian five year plans during the period 1928 and 1941 was due in part to American exports. The Soviet victories in the past war were made possible through the success of the five year plans according to the publication.

The October 15, 1945 issue of the publication, the Reporter, contains a statement as follows: "A serious strain has developed in relations between the United States and the Soviet Union, which must necessarily alarm every citi-

zen who understands that American-Soviet friendship is the key to the peace." The Reporter agrees with the judgment of the Soviet government newspaper, Izvestia, which said on October 5 that the seriousness of the present impasse "Should not be underestimated."

The Reporter then goes on to explain the reasons for the impasse. It says "The Soviet case even on the issue of procedure stands up far better than the position of the United States." The American claim on the Potsdam Agreement is described by the Reporter as follows: "Secretary of State Byrnes *admitted* in his October 5, radio address that the United States considered the Potsdam Agreement on procedure as too narrow, and wished to make it broader. Thereby he *acknowledged* American responsibility for changing it. The "Reporter" says the most that Byrnes can claim from a legal standpoint, is that the Potsdam formula also allowed the foreign ministers council to make its own rules. The "Reporter" then goes on to state that Mr. Molotov denies, *of course*, any validity to the Byrnes interpretation of procedure. 3

The British position is described by the Reporter as follows: "Mr. Bevin went beyond Mr. Byrnes in his version and admitted frankly on October 9, that the Western powers insist upon a change in the Romanian and Bulgarian governments before discussing treaties of peace with them. This, he said was a matter of 'principle' underlying the deadlock."

Bevin and Byrnes are as usual wrong to the Communists, Molotov and the Soviet are always right according to the Communists and the "Reporter". As an answer to Bevin's statement the "Reporter" states "The Soviet Union insists on the letter and spirit of the Potsdam agreement because the U.S.S.R. wants to maintain the Big Three's leadership as the guiding force for all the other United Nations. Without Big Three's leadership the U.S.S.R. feels that the United Nations can degenerate into a series of blocs and voting combinations. Mr. Molotov made it plain that he

does not oppose a general peace conference to review the treaties drawn up by the Big Three; but he does 4
oppose a situation such as developed last Spring at the San Francisco Conference when Fascist Argentina was seated by a majority of votes, although it had been agreed at Yalta that she was not to be seated and although it was plain that without American insistence upon seating Argentina, few of the smaller nations would have attempted to do so." In other words Democracy does not exist among the smaller nations unless Russia can persuade Britain and the United States to always see her point. This magazine fails to state that Argentina is a neighbor of the United States. In a later issue the "Reporter", speaks of some Russian neighbors called Bulgaria, Romania, and Hungary. Russian interest in these countries is dominant according to the "Reporter". It is easily determined that the "Reporter", the same as any other Pro-Russian publication always follows the same view-point, the Soviet is always correct. The "Reporter" states that Byrnes and Bevins lightly dismissed the Potsdam Agreement on procedure during the London Conference. The "Reporter" then says that the revival of German Fascism is a possibility unless the Potsdam Agreement is lived up to. This is a pure propaganda statenfent. In other words unless Russia secures exact agreement with Britain and the United States on the terms of the Potsdam Agreement then Germany will again become a Fascist nation. This Fascist name calling device is a communist tactic and part of the scare technique employed by them.

In addition to the other one sided views expressed by the October 15, 1945 issue of the "Reporter" regarding the failure of the London Conference, the publication 5
states "To judge whether the Soviet Union's concern over the threat to the Potsdam Declaration is warranted, and to fix responsibility for the present strain in American-Soviet relations we have only to review a series of developments, many of them revolving around American behavior

in Germany." The Patton case, the revival of the steel industry in Germany, and the failure to ship machinery to Russia from Germany, are then cited as causes by the "Reporter" for the dissolution of the London Conference.

Support of Russian demands for German reparations is then commanded by the "Reporter", and this article concludes with the statement "For in no case would the $6,000,000,000 credit sought from us enable the Russians to buy more than a small portion of what they lost in the war." This article certainly and clearly wants Russia to have everything she demands from every country, and at our expense.

The failure to share the atomic bomb secret with Russia has caused a devastating effect on Soviet confidence in the United States, according to the magazine. Also a report made to Congress by a committee headed by Representative Colmer of Mississippi, concerning the subject of loans to Russia is criticized by this issue of the "Reporter".

The October 29, 1945 issue of the Reporter is devoted to a defense for the most part, of the Soviet position in Bulgaria, Romania and Hungary. The so-called Fatherland-Front is defended as the appropriate controlling group in Bulgaria. This group has been called a communistic group.

This same issue defends the Groza government in Romania, which has been subject to dispute as being representative of the people. It was not recognized as such at the time of the London Conference.

The government of Hungary, about which there has also been some dispute is defended in the October 29, 1945 issue of the "Reporter."

The German Library of Information used the same technique as this organization in an effort to secure United States sympathy for Germany's position in Europe prior to the Second World War. All of these countries were Axis Satellites during the war. Russia can only have one interest in these countries and that is to make them allies of

communism the same as Germany made them allies of Nazi-ism.

This same issue of the "Reporter" says the "National Association of Manufacturers" is Anti-Russian. This same policy is followed by the so-called Liberal Radio Commentators who label big business as Fascistic.

The "Reporter" for October 29, 1945 warns against the "Nationalism", expressed by the United States on the subject of atomic energy. It is this issue that says "It would surely make many prominent people look silly if one of these days we learn that atomic energy has been put to work electrifying all of Siberia, while the United States Congress is still arguing about bigger and better bombs." In other words the American view of Nationalism and atomic energy control is considered ridiculous by this publication.

The November 15, 1945 issue of the "Reporter" praises the November 6, 1945 speech of Soviet Foreign Minister Molotov. It is critical of some statements made by Truman, Byrnes, Bevin and Churchill, although it doesn't identify the statements made by them. The "Reporter" says that "If there was any one specific thing the Soviet Union could have done to help overcome the present impasse in American-Soviet relations," the Molotov address should suffice. Here again Molotov is correct, Byrnes and Bevin are wrong.

According to the "Reporter", Molotov didn't discuss expansion of the Soviet Union or "isolation", but emphasized "peace for the world," the United Nations Organization and the economic development of the Soviet Union. The Soviet Union of course is developing economically and expanding in Yugo-Slavia, Poland, Hungary, Romania, Bulgaria, Part of Finland, and possibly in China. Of course then there was Latvia, Esthonia and Lithuania which have already been taken into the definite Soviet sphere of influence. Russia has therefore obtained eight countries from this war to aid her in her economic development. The fact

that Russia has expanded her sphere of economic expansion into these countries is not at all mentioned in the "Reporter." The average reader will not recall what has happened in the countries mentioned herein.

Molotov is praised for his handling of the atom question, and the Pro-Soviet attitude of this publication is plainly shown by the following statement: "It is apparent that Mr. Molotov was speaking with sober realism when he promised the Soviet peoples the application of 8 atomic energy to useful efforts. For does any other country come more readily to mind, as so likely to plan and organize all talents for such a purpose—in peace-time—as the Soviet Union." The Soviet is praised, cannot the United States do the same thing for its' people without giving the secret away?

Molotov's word is taken as gospel truth by the "Reporter" on the question of "Democracy" in Eastern European and Balkan countries.

According to the "Reporter", Mr. Molotov's speech is a challenge to us and it says of the Molotov speech, "It is a challenge to peaceful endeavor and cooperation with the three major powers that bare the brunt of the armed struggle to overthrow Fascism remaining united in world leadership to prevent Fascisms re-emergence, in other forms perhaps, but with the same deadly consequence." In other words the challenge is to the United States and Britain to cooperate with Russia and abide by Mr. Molotov's speech because the "Reporter", believes and it is plainly shown in this issue of November 15, 1945 that Molotov is always correct. Communism for Fascism is an acceptable substitute to the "Reporter", in Eastern Europe.

The "Western Bloc" in Europe against Russia is again mentioned in the "Reporter" as it refers to the Molotov speech. The "Reporter" says an imperialist "Germany" would be included in any revival of the "Western Bloc". By innuendo in this statement referring to the "Western Bloc", it is intended to convey the impression that

Britain and France encouraged by the United States are setting up a bloc against Russia. Our friendship for Britain and France should be second to friendship for Russia it is supposed. Obviously to the "Reporter" only Russia and the United States can maintain peace. Britain, France and the United States cannot. This is obviously propaganda intended to make the United States either agreeable to Russia's policies or to drive a wedge between the United States, Britain and France.

This is best illustrated by an article which appears in the next issue of the "Reporter." In the November 30, 1945 issue the "Reporter" discusses the Iranian issue and has this to say besides the fact that Iran is strategically located. "Since United States policy is today following the lead of Great Britain, and since British propaganda is well organized and experienced it is capable of obscuring American awareness of the real issues." In addition the Reporter says "Under British aegis and under the exiled Reza Shah, the democratic and agrarian reform movements of Iran were bitterly suppressed. But the freedom-loving peoples, enlightened workers, clergymen and teachers continued their struggles underground and, once the dictator was ousted by the Anglo-Soviet forces, formed themselves into a Party of the Masses, now the Tudeh Party." The "Reporter" then goes on to say, that the Soviet occupation forces are not actively directing or encouraging the present uprising in the Ozerbaijanian dominated provinces. Because of the presence of Soviet troops in that area the United States and Britain had requested the Soviet government to withdraw the troops. The Reporter further says in effect that "the real objective of the British, supported by the United States in securing a withdrawal of the Red Army troops is to furnish the nomadic tribes with arms as well as the imperial oil interests, so that they, the British, can take over the "Central" government. The "Reporter" states that the newly arrived "Iranian" minister "Hussein Ala", spent forty days in

London working out this plan with the British. He is said by the Reporter to calculate as do his British friends that the United States may become an Anti-Soviet spearhead at least diplomatically. The "Reporter" then goes on to state that naturally certain American oil interests as well as other American interests are supporting the British plan to control Iran as it has for centuries. It is also stated by the "Reporter" that the Iranian issue is not apart from the British Imperialism in Korea, China and the Near East. The "Reporter" again states that it cannot see why the United States should risk a deterioration of relations with the Soviet Union by injecting itself as a spokesman for British Imperialism. This propaganda is the same as all communistic propaganda although perhaps a little more intellectual. The communist newspapers and communist radio commentators defend Russia's position the same as the National Council of American-Soviet Friendship, in Eastern Europe as being aimed at the destruction of Fascism. The British position in India, Iran, the Near East and China is condemned as Imperialism. The "Reporter" as well as the other communistic publications and radio reporters are trying to drive a wedge between British and American cooperation, in favor of Soviet-American cooperation. In other words dissolve the British Empire and open the road to communism in Iran, India, China, Palestine, and certain other Asiatic countries. 11

Iran is a British lifeline to India. The "Reporter" even admits that Iran is a strategically located country and that the Russian troops have done nothing to quell the communistic uprising in that country. With "Iran" as a Russian lifeline to India, the communization of India could be accomplished, with the support of the United States for Russia's anti-fascist, anti-imperialist, pro-communist method of expansion.

In speaking further of the propaganda line of the "Reporter" it should be noted that the communistic radio commentators have mentioned "big oil interests" as being in-

terested in the maintenance of certain British possessions. Obviously all of the communistic radio commentators and the "Reporter" are securing information from a definite pro-Russian and pro-communistic source. There are many other similarities too. The defense of Russian policies as being anti-Fascist and the condemnation of British-American policies as being "Imperialistic" is noted as a particular propaganda line followed by the "Reporter" and communistic publications and radio commentators.

Further evidence of the "Reporter's" being a propaganda organ is also demonstrated by the issues of November 30, 1945, October 29 and October 15, 1945. The two latter issues which have been commented on previously in this report almost definitely convey the impression that Russia has the secret of "atomic energy". The November 30, 1945 issue says that the most important aspects of atomic energy secrets are being retained by the Anglo-American-Canadian interests. In other words Russia has it, then it doesn't. But, the "Reporter" first conveys the impression that Russia has the secret or will have it soon thereby laying the background for the future request for the secret made in later issues of the Reporter. In the November 30, 1945 issue the "Reporter" says "There may be many American who feel that a genuine move has been made to internationalize atomic power." It then goes on to say that the Truman-Attlee-King declaration is deceptive and full of political pressure which won't impress Russia. The declaration made by the three personages mentioned above is called an Anglo-American figure of speech, which will be used to make other nations cooperate in political movements. The "Reporter" is alarmed that Britain and the United States intend to have the atomic power commission responsible to the assembly of the United Nations rather than the Security Council, and it says that the Soviet Union will view this with suspicion since it attaches so much importance to the Security Council. The General Assembly of the United Nations is

then scored because it included Argentina in the "San Francisco", discussions. It says that the General Assembly of the United Nations cooperated with Fascism at San Francisco, whereas the Security Council would not have done this. It is therefore urged by the Reporter that atomic energy be controlled by the great powers of the "Security Council" and it says that the retention of atomic secrets exerts a harmful and disturbing influence on great power relations.

The "Reporter" therefore admits that Russia does not have the atomic energy secret, after it had practically assured everyone that it did have the secret.

The other Pro-Russian publication and Pro-Russian radio commentators also use this same line of attack, which again indicates that all of them are being fed with propaganda from the same sources. 13

The reference to Fascist Argentina and the placing of the blame for Argentine participation in the San Francisco Conference on the United States and Britain is also a familiar communistic propaganda theme.

The December 14, 1945 issue of the "Reporter" is another entirely Pro-Soviet, Pro-Communistic issue of this publication. It plainly says that abandonment of the concept of the big three was one of the fundamental reasons for the recent tension between the United States and the Soviet. It also says that the atomic bloc of the Anglo-American powers was believed to be an alternative force to isolate the Soviet Union and allow the Anglo-American powers to isolate the Soviet Union and allow the Anglo-American powers to dominate the United Nations.

The American policy is referred to in this issue as being unstable. The "Reporter" calls for a break in diplomatic relations with Spain, the same as every other communistic publication in this country. The admission of "Argentina" to the San Francisco Conference is criticized again.

The "Reporter" in this issue speaks of the tension in the "Far East" and says that the inclusion of the Soviet

Union in a control commission would ease the situation. The "Reporter" then refers to the "Balkan" situation and says the recognition of Bulgarian and Rumanian governments would be sure signs of an improvement 14
in international relations. Thus far in the December 14, 1945 issue of the "Reporter" an entirely Pro-Soviet attitude is found. The "Reporter" gives "Russia" the benefit of every doubt and subtly requests that her every wish be granted.

The "Reporter" then goes on to say that John Foster Dulles of the National Association of Manufacturers and Secretary Byrnes adviser at the London Conference is blamed in part for the breakdown of the London Conference as the result of a speech he made wherein he favors aid to the Western European powers over the Soviet dominated Eastern European powers. Again the "Reporter" expresses a part of the communist party line when it attacks the National Association of Manufacturers, and expresses itself in favor of aid to Eastern Europe rather than to Western Europe. It should be recalled that all communistic sources of propaganda fear the Western Anti-Soviet bloc in Europe.

A Soviet government note to the United States on the Iranian situation is given prominence in the issue of the "Reporter" under discussion, December 14, 1945, and it says that the United States was acting beyond its rights when it requested the withdrawal of Soviet troops for Iran. Again a Pro-Soviet attitude. The Soviet news agency "Tass" is quoted as an authority on the true situation in Iran. The United States and Britain are again scored for their views on Iran after the "Reporter" quotes "Tass" as an authority on the subject.

This issue of the "Reporter" also calls for the dissolution of the Un-American Activities Commit- 15
tee, of the House of Representatives.

The December 31, 1945 issue of the "Reporter" expresses an entirely optimistic view because of the concessions

which America and Great Britain made at the Moscow Conference. For the first time a favorable expression concerning Great Britain is made. The "Reporter" says in expressing itself that the greatest single accomplishment of the Moscow meeting was the inclusion of Russia in the Japanese question, and the Reporter as stated said that Great Britain backed Moscow on this issue.

The most salient item in this issue is the following statement "These decisions show that the entry of the Soviet Union into active direction of world affairs is the great new fact of the modern world." Thus the "Reporter" plainly expresses itself as believing the Soviet Union is the director of the world's future.

The "Reporter" expresses itself as pleased with the decision that atomic-energy control will rest with the Security Council of the United Nations which includes Soviet Russia. The "Reporter" still says however, that the United States has not given away the "know how" of atomic energy development.

In this issue the United States is also said to have improved its own military position in China while the Soviet is said to have only the desire to see that China emerges as a fully sovereign and democratic state.

The reconversion program of the "Soviet Union" 16 is praised by this issue of the "Reporter" but a plug for loans is also contained in this issue.

The January 14, 1946 issue of the "Reporter", which is the last issue under review expresses the fear that Soviet Russia will despite the Moscow agreement not be given all of the secrets of atomic energy. It scores Senator Vandenberg for his attitude on the Moscow formula and expresses the fear that if unilateral agreements can be made of certain aspects of the Moscow accord they can be made in others. The "Reporter" then says that this type of thing led to the difficulties experienced among the great powers at the San Francisco and London Conferences. American diplomats are again criticized. Russian diplomats are always right according to the "Reporter."

On discussing the recent activities in Eastern Germany the "Reporter" quotes several newspapers and their reporters. One Anti-Russian report is criticized wherein the reporter said "A program of Socialization and Sovietization is being carried out in the Russian Zone in Germany." The "Reporter" then quotes another newspaper wherein this statement was said to be unfounded and baseless. The "Reporter" however, definitely intends to convey the impression that the Anti-Soviet reporter was all wrong.

The "Reporter" again demonstrates its Pro-Russian attitude in this issue when it says that De-Nazification in the Russian Zones of occupation in Germany is being carried out with facility, while the Americans are said to find this troublesome. The Russians are also said to have put 80 percent of the factories in Saxony into production, while the Americans in Bavaria are said to have been able to place only 18 percent in operation. The "Reporter" does not explain the reasons for this though and as usual everything "Russian" is efficient, everything American is inefficient.

This issue of the "Reporter" also contains messages of condolences concerning the death of Theodore Drieser an admitted communist who upon one occasion said "this would be a better world if every man, woman and child in England were to be killed tonight", this statement was made during the time of the Hitler-Stalin pact. The "Reporter" doesn't inform its readers that Mr. Drieser was a communist.

During the review of the issues of the "Reporter" under discussion it was noted that there was never any criticism of Russia, while the United States and Britain were constantly taken to task.

NEWS LETTER ISSUED BY THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

The issue of this publication for September, 1943 contains an attack upon William Randolph Hearst the well known target of the communist front groups in this country. Hearst is heartily disliked for his anti-communistic and anti-Soviet views. In this article he is said to help Hitler through one of the editorials appearing in his paper.

This issue of the News Letter features a picture of Joseph Curran presenting a scroll to a Russian student at Columbia University. Curran is well known for his communistic learnings and affiliations. 18

As usual the attack upon Hearst demonstrates the communistic idea of "Freedom of the Press," if you speak for America against communism you have not the right of freedom of the press, nor of speech.

In connection with the attack upon Hearst, the National Council of American-Soviet Friendship issued a pamphlet calling for a practical boycott of the Hearst newspapers. The pamphlet asks its readers not to patronize such papers.

PUBLICATION ENTITLED FACTS ABOUT OUR SOVIET ALLY—PREPARED FOR SCHOOLS

This propaganda pamphlet marked number one, on page two, contains a statement that the Soviet Union has become in the last generation, one of the world's greatest producers of wealth. The pamphlet doesn't describe wealth as we know it and the pamphlet doesn't explain that the wealth in Russia is supposed to be divided collectively.

This pamphlet marked number one, on page six contains the statement that everyone in the Soviet Union has the right to vote who has reached the age of eighteen. The pamphlet does not say that the Communist Party has a monopoly on legality in Russia, and that only political candidates approved by the Communist Party can run for office.

This publication of the National Council of American-Soviet Friendship, Incorporated, in the issue marked number one, contains a so-called geography examination on the Soviet Union which is recommended for United States school children. One of the questions is as follows "The Soviet Union has many advantages for carrying on manufacturing because". There are five reasons listed and the students are to select three as their answer. This question is purely a propaganda question intended to convey to the minds of school children that the Soviet Union's system of government has many advantages over our own.

Another question is "There are few large seaports in the Soviet Union because." This question can be interpreted to mean that Russia needs seaports and that therefore in future years United States school children having studied this in school may be sympathetic toward any Russian expansive policies seeking to control the sea-lanes of Europe and Asia.

Many of the persons associated with the "Committee on Education" have a record of affiliation with communist front groups. Some of these persons records are attached to the end of this report.

THE PROCEEDINGS OF CONFERENCE ON EDUCATION ABOUT THE SOVIET UNION

This conference was held on Saturday October 14, 1944 at New York City. A booklet published in connection with the conference contains a statement by Sumner Welles which was taken from his book "The Time 20 for Decision". The statement is as follows: "The maintenance of world peace, and the progress of humanity is going to depend upon the desires and capacities of the peoples of the two countries to work together. Unless both governments and both peoples make a sincere and determined attempt to find a new foundation for the relationship between the two nations, the very cornerstone of any future

international organization will be lacking." The organization uses a statement in its publications which would lead one to believe that England and France have nothing to do with world peace. The organization apparently then believes that only the appeasement of Russia can bring peace to the world. Its publications definitely are Pro-Russian as has been shown. What is being done in Russia to promote better understanding of the American people and America's desire to see communism confined to the borders of Russia. The economic survival of Britain and the United States in part may depend largely upon Russia exhibiting a willingness to permit free trade in Eastern European countries.

It has been reported by most Americans who have travelled in Russia that very little information, concerning the United States and its form of government is permitted to be disseminated among the Russian peoples.

If the diplomats of the two countries cannot solve the problem, how can any organization hope to achieve a peaceful purpose by telling us that unless we learn to love our Russian brothers we may have to go to war with Russia. Or does the National Council of American-Soviet Friendship believe in the communistic tenet that love of our brothers in other countries will prevent war so long as we believe communism is the answer to all of the worlds ills. 21

THE AMERICAN THEATRE—PUBLICATION OF THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

It has been shown in previous reports concerning communistic interest in the theatre as a means of disseminating communistic propaganda that the communists consider this medium of propaganda as essential to the furthering of their program.

The National Council of American-Soviet Friendship is no exception to this belief.

In its first issue the theatre branch of the council selects the well known fellow traveller "Frederic March", to con-

tribute an article concerning the role of Major Joppolo in "A Bell for Adona", who is described as an Anti-Fascist fighter. Being Anti-Fascist is not a fault of course, but when this decadent term is employed by fellow travellers it is only furthering some phase of the communist party line. Frederic March's record will be made a part of this report.

The second issue of the publication "The American Theatre, discusses plays concerning controversial issues such as "Deep Are the Roots", which concerns the negro and the so-called "reactionaries" of the deep south.

Margaret Webster, the Chairman of the Theatre Committee of the Council has the following record of association with communist front groups:

Sponsor, Artists Front to Win the War, according to the communist organ the Daily Worker, October 7, 1942. 22

Lecturer, Theatre Workshop, according to the communist organ New Masses, April 18, 1944.

Lecturer, Theatre Workshop, New Masses, March 28, 1944.

Sponsor of the Soviet Russia Today dinner, celebrating the twenty-fifth Anniversary of the Red Army, according to "Soviet Russia Today, April, 1943.

Speaker, American Committee to Save Refugees, Daily Worker, March 23, 1942.

Speaker, United American Spanish Aid Committee, Daily Worker, March 23, 1942.

This publication is being sent to "Soviet Russia", and its second issue plainly says and tells the people of the Soviet that our deep southern population are called reactionaries. Thus one section of the United States is plainly labelled as non-communistic by this so-called non-propaganda organization.

Negro equality is a part of the communist party line and the "Russians" are being told that we have a reactionary attitude toward the negro.

CONSTITUTION OF THE U.S.S.R.—DISTRIBUTED BY THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

Article II of the Russian constitution says "The Soviets of Working Peoples' Deputies, which grew and attained strength as a result of the overthrow of the landlords and capitalists and the achievement of the dictatorship of the proletariat, constitute the political foundation of the U.S.S.R."

Thus we have a plain statement that landlords 23
and capitalists were ousted through revolution and
that the peoples deputies grew and attained strength as the result of the revolution.

Joseph Stalin in his latest speech said that "Capitalism is responsible for war", thus if every nation becomes communistic we will have no more war. When Stalin said this he was in effect saying that the United States was partly responsible for the war just ended. This was said despite the fact that Germany attacked Russia. The United States did not involve Russia in the war.

Lenin blamed the world's evils on "capitalism", Stalin does also.

The National Council of American-Soviet Friendship by distributing copies of the Russian Constitution which contains adverse statements concerning capitalism is not distributing copies of the American Constitution to the Russian people.

PAMPHLET ENTITLED "ORGANIZED LABOR IN THE SOVIET UNION"

Page seven of this pamphlet follows the Communist Party Line because it attacks the American Federation of Labor for its attitude on the "Soviet Trade Unions."

What possible benefit can be derived from a knowledge of "Trade Unions in Soviet Russia", a country that is devoted to the principles of collective security? The United States believes in free enterprise and the accumulation of the necessities of life through wages. No matter

what is said the Russian Trade Unions are answer- 24
able to the state and no strikes would be permitted.

Lenin said "Turn the guns on your capitalist masters." "Workers of all Countries unite." "The Communist state cannot exist alongside of capitalistic states." This means simply that all of the workers are brothers and should not take up arms against their brother workers. Does the Trade Union Unity movement have this aim? Does it intend to create so much brotherly love between the workers of all countries that the expansion of the communistic movement will be unimpeded because the workers cannot fight their Russian brothers?

Well that is what Lenin said, and the communists believe that.

If the workers of the United States have the highest standard of living in the world, then world communism can only mean that the standard of living of the people of the United States will be definitely lowered for the benefit of those countries which cannot enjoy the same standards.

There is no relationship between Trade Unions in a communistic nation and those in capitalistic nations, unless the Russian system is considered better. Apparently the American Federation of Labor, does not think so.

The infiltration of trade unions is the foremost tenet of communistic doctrine and apparently the National Council of American Soviet Friendship is doing it's share to help this movement along.

The author of this pamphlet Edwin S. Smith has
the following record of association with communist 25
and fellow traveller groups:

Sponsor, American Committee for Protection of Foreign Born, Letterhead dated September 11, 1941.

Signer, "Open letter on Harry Bridges, Daily Worker, July 19, 1942.

Speaker, National Conference for Constitutional Liberties, New Masses, June 18, 1940.

Sponsor, Washington Friends of Spanish Democracy, Letterhead, June 30, 1938.

Member, Washington Committee for Democratic Action, Committee File.

Speaker, New York Conference for Inalienable Rights, Handbill concerning opening session.

Speaker, National Lawyers Guild, Mimeographed Invitation.

Member, American League for Peace and Democracy, Questionnaire.

Speaker, Committee for Peoples Rights, Daily Worker, October 14, 1940.

Speaker, Conference on Constitutional Liberties in America, Program Leaflet.

Signer of Open Letter, National Federation for Constitutional Liberties.

Member, Executive Committee, National Federation for Constitutional Liberties.

Sponsor, National Emergency Conference, Letterhead, May 19, 1939.

Member, Marian Anderson Citizens Committee, 26 Committee File.

Smith was formerly a member of the National Labor Relations Board. He has visited the Soviet-Union and his pamphlet may or may not contain factual information concerning trade unions in the Soviet Union, a communist nation.

The communist believes (although when posing as a "Liberal" he will deny it) that all for which the liberal stands is illusion. He really believes that only by dictatorship—the dictatorship of his own party—can the injustices of society be eliminated. He denies the freedom of the individual the slave of his bureaucratic state. He believes that the press should be controlled by the state; that only he and his kind are capable of guiding the destiny of humanity, and that Labor Unions should be part of and subject to the state.

Therefore when pamphlets of this type are written they can only achieve one purpose and that is to glorify a system of state controlled unions in a dictator nation for the edification of union members in a free country.

PAMPHLET ENTITLED "THE CASE OF THE 16 POLES" DISTRIBUTED BY THE COUNCIL

This pamphlet contains a condemnation of the Poles who sought to make their country free of Russian domination. All publications of this type are written for one purpose and that is to present a biased viewpoint in favor of the Soviet Union, regardless of the issues of the case.

Such cases as the one referred to in the pamphlet should be a prime answer as to what one can expect everytime he tries to rid a country of the shackles of communism. To the "Revolutionist", no counter revolutions are permitted. 27

PAMPHLET ENTITLED "INSIDE LIBERATED POLAND"

The author of this pamphlet "Anna Louise Strong", has a record of association with communist front and fellow traveller groups that is extensive. Her record is attached to this report in its entirety.

As usual the pamphlet definitely favors the Soviet. It contains a condemnation of the former Polish Government-in-exile, and favors the "Polish Provisional Government", which was supported by Moscow and according to reports actually formed there.

The London Polish government is referred to as reactionary in the pamphlet and Miss Strong purposes to speak for all Americans in the pamphlet. The Polish Provisional Government was recognized only because the Red Army was in Poland. Edwin S. Smith who wrote the favorable pamphlet on the "Soviet Trade Unions", wrote the "Introduction" to the pamphlet.

This pamphlet does not describe nor does it mention what policy the London Polish government intended to follow

in Poland, with the exception that the statements of the leader of the Polish Provisional government are taken as actual truth with no rebuttal offered on behalf of the London Polish government.

PAMPHLET ENTITLED—"THE BALTIC SOVIET REPUBLICS" 28

This pamphlet distributed by the National Council of American-Soviet Friendship, Inc., is a propaganda pamphlet intended to create American sympathy for Russia's position in Latvia, Esthonia and Lithuania, the former Baltic Republics. It should be noted that Russia's position is always defended and never criticized.

The Introduction to this pamphlet by "Federic L. Schuman", contains a statement as follows: "In actual practice Anglo-American policies have in many respects fallen so far short of their declarations regarding their program for the future, that if they were to continue along the same lines there would be danger of a return after victory to the international anarchy, the social injustices and the undemocratic governments of the long armistice. The Soviet policy is then referred to as a refreshing contrast in the direction of genuine democracy and international federation. Popular comprehension of the problems of the Baltic will be a test of the ability of the English-speaking democracies to evolve in collaboration with Russia, a workable program for liberty and security in a free Europe and a free world.

In other words these countries must always be in the Russian sphere of influence and a part of the Soviet itself. After the last war the "League of Nations", determined the status of countries. Mr. Schuman wants Russia to determine the states of countries and the English speaking nations to acquiesce with Russia's views.

Page twenty of the pamphlet contains a statement 29
by the author of the pamphlet Gregory Meiksins that "The Baltic countries had become dependent on the British and German markets, all the more so since the decay of

their internal economies, the ruination of industry and the degradation of living standards had taken the bottom out of the home market. Unable to revive a home market, and unable to compete industrially with German and British economies, Baltic economy was forced into a one-sided unnatural dependence on agriculture."

In this statement we again find it said that the economic survival of certain nations which lie adjacent to the old borders of Russia depends upon that nation. British trade is excluded, and the failure of a nation's economy such as Latvia is blamed upon British and the Germans.

On the question of economic survival it should be said that the communists are advocating the dissolution of the British Empire and the so-called democratic agitation in the countries affected is caused by the communists in those countries. If these countries are separated from the British Empire and become communistic then the economy of those countries will be directed by Russia. The communistic movement to isolate England, and to secure loans from the United States for Russia's economic development can easily be followed. In time if Russia secures absolute control of the economy of all those countries she seeks to communize, Britain and the United States will be isolated from world trade.

The scheme to freeze England out of Eastern European markets is further demonstrated in this pamphlet on page twenty-four. Although the pamphlet refers to an event which occurred in 1927 when the British Ambassador to Latvia was accused of intervening in Latvian affairs. On this page of the pamphlet the following statement appears: "We cannot fail to take into account that England will watch closely the conduct of the Baltic states. Recently, an English capitalist combine proposed to enlarge considerably its investments in local industry. Representatives of certain Latvian firms have even been invited to London for negotiations. It is evident that the situation with regard to obtaining large English credits is

now more favorable than ever before. By entering the Russian sphere of influence we risk the loss of this opportunity". In other words the writer of this pamphlet uses this statement to create anti-British sentiment.

To show how the communistic writers all follow the same line of thought and are being fed the same type of propaganda which must eminate from some foreign source, the author of the pamphlet under discussion quotes from a writing of Anna Louise Strong who tells how the Russians brought Democracy to Lithuania. Miss Strong has an extensive record of Pro-Russian association, which as stated is being set forth at the end of this report.

PAMPHLET ENTITLED "MEET THE SOVIET RUSSIANS"

In previous documents issued by the National Council of American-Soviet Friendship it has been said that American prospects for trade with Russia are unlimited if we extend credit and make loans to that country.

Page forty-six of the above entitled pamphlet appears to give the lie to this statement because it has a chart showing that the country is Economically Independent and that imports during the year 1937 were practically nothing as compared with the year 1913 under the Czars of Russia. 31

PAMPHLET ENTITLED "WE WILL JOIN HANDS WITH RUSSIA ON POLISH-SOVIET RELATIONS"

This pamphlet as indicated is an effort to secure sympathy for Russia's position on the Polish Provisional government, which of course has been recognized by the United Nations. However, some of Mr. Lamont's statements in this pamphlet are interesting.

To begin with he says that Bainbridge Colby in 1920 while he was Secretary of State, said that Russia's boundaries should include the whole of the former Russian Empire with a few exceptions one of which was called ethnic Poland, probably Western Poland. Lamont then asks the

question as to why our government changed its policy regarding Poland and the Baltic States. He then proceeds to explain that when Colby made his statement the United States thought that the Soviet government would soon collapse. He then says that it was all right for a non-socialist Russian regime to have its legitimate western frontiers. But when Lenin and his colleagues actually stayed in power, our State Department suddenly decided that the Baltic States and Eastern Poland should stay outside the Russian sphere. He then states that our State Department by reversing itself wanted to weaken the Soviet regime. Lamont also states that anyone who tries to embitter relations between Poland and Russia is endangering Russian and United States relations. He says any question on the Polish situation is merely an Anti-Soviet question. Lamont as usual expresses a one-sided opinion and is critical of the United States government for the benefit of a foreign power.

Professor Oscar Lange of the University of Chicago also contributed an article to the pamphlet under discussion. He subscribes to the theory also that world peace depends upon Russia and the United States, but like Lamont is one-sided and gives Russia the benefit of all doubts. He condemns what he calls a small minority group of American Poles. This is a direct contradiction of communist theory, supposedly this group fights for the minority interests, but in the case of the Poles in America who opposed the Polish Provisional government, there are no rights because they are opposed to Russian encroachment on Polish territory. Lange says that "Under the influence of this agitation a minority of Americans of Polish descent has been led to believe that the American Government wants to "sell out" Poland to Russia. This belief has led them to support those political groups, such as the Chicago Tribune, the Hearst press, Gerald Smith or Senator Reynolds, which want to thwart any understanding between the United States and the Soviet Union. These groups have now made the 'Pol-

ish cause' the center of their Anti-Soviet propaganda." All of the people mentioned herein are very often condemned by the communists in the United States.

Later in the pamphlet we again find the statement that "WE all have in this respect a heavy responsibility. We must refrain from encouraging among Poles the illusion that Poland will become the occasion of an American-Soviet conflict. Unfortunately, such illusions have 33 been fed amply by politicians, big and small, who have done so in the interest of partisan purposes. I am sorry to have to say this: such illusions have also at times been encouraged by the agencies of our government, particularly by the State Department."

Lange has no hesitancy in criticizing the government nor the American State Department. How can persons of this type present one-sided views and hold themselves out as authorities on the subject of world relations?

There is one-fact that cannot be overlooked and that is the fact that we have a communist party in the United States which desires to change our system of government. Communism is a world movement and many persons in the United States realize that we will become subservient to Moscow if the communists ever take over the reins of government in the United States. Those who subscribe to the theory of Russian expansion in Europe also must subscribe to the theory that communism is a world movement. Lange and Lamont do not appear to be exceptions to this rule. Their learnings are definitely Pro-Russian and both criticize the policies of the United States government.

This pamphlet contains a section devoted to "Telegrams and Greetings" sent to the first American-Soviet Polish Rally which was held in New York. One of the greetings was sent by the International Workers Order. The pamphlet does not say that this is a communist front organization.

There is also a telegram mentioned which was sent by Stanley Nowak, a Michigan State Senator who is an

admitted member of the Communist Party. There is no mention made in the pamphlet as to the reason for Mr. Nowak's feeling towards the Soviet. 31

* * * * * * * * * * *

Defendant's Exhibit No. 94.

Report on Certain Publications of the National Council of American-Soviet Friendship, Inc.;

Also on "Comprehensive Report Concerning Publications Issued by the National Council of American-Soviet Friendship, Inc."

by Louis J. Russell,

Investigator of the House Committee on Un-American Activities

By Dr. Clyde R. Miller

I

In my report I propose, first, to state what propaganda is and how it operates. Second, from this I shall draw my conclusions as to whether the publications presented to me for my examination may be correctly characterized as propaganda material. I shall make the same determination with respect to the document accompanying said publications, a document which will be known hereinafter as the Russell Report. Third, I shall discuss both these bodies of material with reference to propaganda content.

II

In its first bulletin, October, 1937, the Institute for Propaganda Analysis defined propaganda as follows:

"As generally understood, propaganda is expression of opinions or actions by individuals or groups deliberately designed to influence the opinions or actions of other individuals or groups with reference to predetermined ends."

To understand how propaganda works we must understand how our own minds and nervous systems react to

stimuli. We have learned from the studies of Pavlov, Cannon, Thorndike, Tchakotin and others how animals and human beings respond automatically to stimuli. These automatic responses, known as reflex actions, fall into two categories. First is the innate or inborn reflex. An example of this is the knee-jerk reflex where the impact of the physician's hammer on the end of a sensory nerve creates an impulse. The impulse is then carried to the spinal cord and back through a motor nerve to the leg muscle. Given the impact of the hammer, the leg kick automatically follows. Second is the conditional reflex. These conditioned reflexes are not inborn. Many are the result of conscious conditioning; others are learned or unconsciously absorbed from the customs, the traditions, folkways and mores of the environment as was so carefully documented by William Graham Sumner. These conditioned reflexes become as automatic in their operation as the knee-jerk reflex. For example, anyone who drives an automobile has been conditioned to stop at a red traffic signal. Once the conditioned reflex has been established, the stimulus "red traffic light" brings the *automatic* response—stop!

Much propaganda operates in terms of conditioned reflexes in which the stimuli are words, symbols or actions. These words, symbols or actions evoke the automatic tendency to accept or reject. Thus, the word "American" to the citizens of the United States connotes good and tends to bring the automatic response of acceptance. The association of the word "American" with a person, group, program, policy, or a commercial product or service suggests excellence, reliability, something worthy of our faith and support. Other examples of such words might be "freedom," "truth," "brotherhood," "democracy," and "honor".

The process operates in precisely the same way when the stimuli are words, symbols or actions which connote evil rather than good. Hence the words "unsafe," "un-

reliable," or "un-American," when associated with a person, group, program, policy, or a commercial product or service, tend to evoke the automatic response of disapproval and rejection.

The type or degree of automatic response evoked will, of course, depend upon the past and present conditioning of the individual concerned. The American flag, for instance, is a symbol of good here in the United States. In Nazi Germany, in the early 1940's, however, it was a symbol associated with both evil and fear. To a savage in a jungle it might be no more than any other brightly colored piece of cloth. The difference is entirely one of conditioning. It is essential, then, that a propagandist know the past and present conditioning of the individual or group to which his propaganda is directed.

In this era of swift communication we all constantly are on the receiving end of a multitude of propagandas which urge us to feel, think and act in various ways. It becomes necessary, therefore, for us to have some means, first, of detecting and, second, of evaluating propaganda.

To help people detect propaganda, I complied, named, and described some years ago seven commonly used propaganda devices. This list, which follows, has been widely used in textbooks and other publications on this and related subjects.

1. Name Calling: Here the propagandist applies bad names to individuals, groups, policies, beliefs, etc., which he wishes us to condemn and reject. He appeals to the hates, fears and prejudices which our conditioning has developed in us.

2. Glittering Generalities: Here the propagandist identifies his program with shining ideals that we automatically associate with good and virtue.

3. Transfer: This is a device by which the propagandist carries over the sanction and prestige of something we accept and revere to the thing he wishes us to accept and revere. Or, in the same way, this device can carry

over disapproval. The symbol of Uncle Sam accepting or rejecting a program or policy is intended to transfer the consolidated common sense of the nation to the acceptance or rejection.

4. Testimonial: Here the propagandist offers the testimony of individuals or groups in support of his pre-determined aim.

5. Plain Folks: This is a device in which the propagandist says in effect, "You and I are the same kind of folks." A classic example of this device was the late President Calvin Coolidge wearing a ten gallon hat while visiting the Western part of the United States.

6. Card Stacking: Here is the most subtle of the propagandist's techniques. He uses over-emphasis, under-emphasis, omission of facts, distortion, half truths and innuendo. He makes the unreal appear real. He stacks the cards against the truth. This is the one device which no honest propagandist will intentionally use.

7. The Band Wagon: Here the emphasis is on "Follow the crowd—everybody's doing it." The propagandist often uses a big show with lights, music, crowds, parades, symbols, and words which flatter us and appeal to our gregarious instincts.

The first step in the analysis of propaganda is the recognition of it. Knowing these devices and how they work is helpful in recognizing propaganda when you meet it. When an individual recognizes the devices, they serve as a signal to stop and investigate. For propaganda can be tested by obtaining the facts on the situation insofar as it is possible. Propaganda appeals basically to the emotions; if the propaganda is based on false premises this will readily become clear when the material is placed under the "hard, cold light of truth". If the propaganda is in the form of advertised claims for a commercial product, we may turn to the data of agencies like the United States Bureau of Standards or the Federal Trade Commission. In other fields we may try to discover who the propagandist is, what

he wants of us, and how much truth there is in his argument. In short, what are the real facts of the case?

In essence, the above describes what propaganda is and how it operates.

III.

In commenting upon the problems presented by propaganda the *New York Times* declared editorially September 1, 1937: "What is truly vicious is not propaganda but a monopoly of it. When we are asked to suppress any 'propaganda' let us be sure that we are not merely being asked to shut down on the one side of a controversy and leave the field free to the other." In the same editorial, the *New York Times* made the point that when there is competition of propagandas people are forced to decide for themselves.

That this free play of propagandas should be a matter of course under our Constitution was the subject of an editorial, September 3, 1937, in the Springfield *Republican:*

" . . . Propaganda and liberty are inseparable. Freedom of speech and of the press, to the extent that Americans enjoy them, necessarily afford full scope for propaganda from everybody, everywhere, any time.

"Free propaganda is nothing but free publicity for the views, interpretations, arguments, pleadings, truths and untruths, half-lies and lies of all creation. Propaganda is good as well as bad. We are surrounded by clouds of propaganda . . . It is up to each of us to precipitate from those clouds the true and the false, identifying and giving to each classification its correct label."

To me it seems quite evident that the material submitted for my examination falls clearly into the category of propaganda. The aim of the National Council of American-Soviet Friendship is frankly stated within the name of the organization. It is a group deliberately *designed to influence opinions and actions of other individuals or groups with reference to the pre-determined end* of creating friendly feelings of the United States

toward the Soviet Union and its people. In this respect the Council is like other groups which have operated to further American popular support for friendly relations between the governments and peoples of the United States and, say, Great Britain, France, and other nations. An example of another such group is English Speaking Union.

To carry forward its work, the Council naturally would hold public meetings, prepare and disseminate literature and stimulate in other groups activities intended to further the cause of friendly relations.

Particularly in war time, when such an organization feels compelled by the dangers facing the nation to cultivate these friendlier relation with our allies—especially those allies which for years have been the objects of unfavorable propaganda—it is understandable that the good points of the allies would be stressed. This has been true with respect to organizations seeking to bring about friendlier relations between the governments and peoples of Great Britain and the United States.

It is obvious from the Council's publications that, as a result of many years of propaganda directed against the Soviet Union, a special effort was made by the Council to overcome the effects of this unfavorable propaganda. Hence I found in the Council's publications little adversely critical of the Soviet position; just as I have found little adversely critical of the British position in the war-time propangandas designed to cement friendlier relations between the United States and our British ally.

On the whole the presentation of the Council's propaganda leaves one with the impression that the Council has sought to achieve three main goals: 7

1. The winning of the war against the Axis.

2. The preservation of the peace once the war was won, in accordance with the series of agreements and understanding between the United States and its war-time allies.

3. The evaluation of changes in American post-war foreign policy, with reference to the preservation of the peace.

In connection with the second goal, the Council's publications very reasonably take cognizance of the fact that the winning of the war by no means caused the discontinuance of the type of propaganda which was partly instrumental in causing the war—propaganda exemplified in the speeches and writings of Hitler, Mussolini, the Japanese militarists, and numerous individuals and groups in America and other nations.

This type of propaganda emphasizes ideas of religious and racial superiority or inferiority and the idea of an elite ruling class. Also it tends to glorify the status quo and rejects the idea of change. Such propaganda continues in the United States, as elsewhere.

In the Council's publications following the winning of the war one observes that the Council's own propaganda is definitely calculated to counteract propaganda and pressures which might disrupt the United Nations and bring on a third world war. In this connection, the facts and opinions presented in the Council's publications are essentially those expressed by the leaders of the American, British and Soviet governments *during* the war. Hence, one finds stressed in the Council's publications the need for continued agreement among the Big Three powers: the United States, the U.S.S.R., and Britain.

In urging this continued agreement the Council's propaganda has, for the most part, been reasonable and moderate in tone, though it has not hesitated to express frankly its adverse criticism of any American officials and propagandists it regards as disseminating opinion likely to replace friendship by dissension and war.

Nowhere in these publications have I found propaganda advocating any change in our form of government; nowhere have I found any that is critical of the United States Constitution or Constitutional principles.

IV

Mr. Russell's report on the Council's publications, or rather the copy placed in my hands by the Council for exam-

ination, is a thirty-four page, double-spaced typewritten document. It was presented to John S. Wood, chairman of the House Committee on Un-American Activities, Attention: Ernie Adamson, Chief Counsel. The copy of this report presented to me is undated. It is entitled, "Comprehensive Report Concerning Publications Issued by the National Council of American-Soviet Friendship, Inc.". The title of Mr. Russell's report indicates that it is supposed to be an investigatory study made without reference to pre-determined ends, hence not a propaganda document. The usefulness of such a study depends chiefly upon freedom from bias on the part of the investigator. If the investigator allows prejudgments to interfere with his cool appraisal, the study will mirror his own bias and will be subjective rather than objective. An objective analysis of a body of material gives an accurate picture of that material. A subjective report on the same material gives a clear picture only of the views of the man who writes the report.

Mr. Russell's Report involves Council publications running into hundreds of pages. The Council has placed in my hands not only the material commented upon by Mr. Russell, but what I am informed was the entire exhibit of Council material placed before the Committee on Un-American Activities by the Council (Defendant's Exhibit No. 66). I am, therefore, prepared to deal with any questions which have to do with propaganda analysis and which concern any of these publications.

Reduced to essentials, Mr. Russell's charges against the Council in the publication, Reporter, are based upon his apparent distaste for the following propositions:

1. That the National Council of American-Soviet Friendship has not participated in the prevalent denunciation of the Soviet Union.

2. That the Council supports the proposition that American-Soviet relations are the key to peace.

3. That the Council deplores the strained relationships between the governments of the United States and the Soviet Union.

4. That the Council favors a line of policy friendly to the Soviet Union.

5. That the Council deplores American policies which it considers conducive to dissension between the two nations.

6. That the Council approves specified Soviet policies which are at variance with American official policy.

7. That the Council occasionally approves a statement made in the Russian press.

8. That the Council favors normal trade relations with the Soviet Union.

9. That the Council does not approve specified aspects of British foreign policy and propaganda.

10. That the Council upholds American adherence to our commitments under the Potsdam Agreement.

11. That the Council objected to American sponsorship of the admission of Argentina to the United Nations.

12. That the Council does not object to Soviet desire for security through friendly relationships with her neighboring countries.

13. That the Council would not look with disfavor upon the development of atomic power for peaceful purposes in Russia.

14. That the Council believes that the failure of the United States to share the atomic bomb secret with the United Nations has worried Russia.

15. That the Council believes the Security Council of the United Nations should control energy on the ground that retention of atomic secrets by one great power or power bloc exerts a harmful disturbing influence on great power relations.

16. That the Council approved a decision made at the Moscow Conference of foreign ministers of the Big Three to include Russia in the control commission for Japan.

17. That the Council printed messages of condolence from Soviet artists on the occasion of the death of the American novelist, Theodore Drieser.

In addition to the publication, REPORTER, Mr. Russell, in his Report, comments on twelve other miscellaneous and occasional publications of the Council.

I shall now summarize the basis of Mr. Russell's charges of "un-Americanism" in typical samples of these miscellaneous and occasional publications.

News Letter Issued by the National Council of American-Soviet Friendship

The issue of this publication for September 1945 (at which time the United States and the U.S.S.R. were wartime allies), Mr. Russell's Report states, "contains an attack upon William Randolph Hearst, the well-known target of the Communist front groups in this country" and "features a picture of Joseph Curran presenting a scroll to a Russian student at Columbia University."

In connection with the attack on Hearst, Mr. Russell, writes, "the National Council of American-Soviet Friendship issued a pamphlet calling for a practical boycott of the Hearst newspapers. The pamphlet asks its readers not to patronize such papers." 12

The pamphlet to which the Russell Report refers is a four-page folder entitled, "Stop Hearst's Seditious Attack on Our Soviet Ally", and bearing the Council's imprimatur. It does ask its readers to "cease to patronize such papers" and for the reason that Hearst "is attacking our brave ally, the Soviet Union". The pamphlet states further:

What is Hearst's stake in whipping up distrust of the Soviet Union? Let's look at the record. Hearst is the man who for years openly idolized fascism and its dethroned leader Mussolini. He hired Mussolini to contribute to his papers. In 1934 he visited Hitler and sold the Nazi government his news services. His papers fawned editorially on the Nazi and fascist regimes. He paid Hitler, Goering,

Goebbels and Ribbentrop $1.00 a word to spread their fascist poison into American homes.

The defeatist, reactionary and undemocratic forces in this country of which Hearst is a spokesman seek to divide us from the Soviet Union in order that fascism shall emerge at least semi-intact from the war as a future menace to democracy. In other words they are against unconditional surrender and for a negotiated peace.

The great multitude of Americans who are giving the best that is in them for the defeat of Hitler, the mothers and fathers whose sons have died by the thousands to achieve this goal, should rise in their wrath to demand that Hearst and his journalistic bed-fellows, the New York Daily News, the Chicago Tribune and the Washington Times Herald cease their slanderous attacks on the Soviet Union.

Files of the Hearst newspapers before, during and after World War II are filled with factual evidence of the consistent support these newspapers have given to the Axis Powers. This folder is perhaps the most emotional piece of counter-propaganda I have found in all the Council publications I have examined. Yet, in the light of Hearst's obvious attempt to destroy efforts to bring the desperately needed cooperation with a war-time ally, the Council's criticism seems restrained.

Publication Entitled "Facts About Our Soviet Ally"—Prepared for Schools 13

Concerning this publication, the Russell Report states:

This propaganda pamphlet marked number one, on page two, contains a statement that the Soviet Union has become in the last generation one of the world's greatest producers of wealth. The pamphlet doesn't describe wealth as we know it and the pamphlet doesn't explain that the wealth in Russia is supposed to be divided collectively.

This pamphlet marked number one, on page six, contains the statment that everyone in the Soviet Union has the right to vote who has reached the age of eighteen. The

pamphlet does not say that the Communist Party has a monopoly on legality in Russia, and that only politicial candidates approved by the Communist Party can run for office.

What the pamphlet actually says on the subject of production of wealth follows:

From a poverty ridden, agricultural country, the Soviet Union has become, in the last generation, one of the world's greatest producers of wealth. Its agriculture has been scientifically developed. Mechanization and irrigation on a large scale, the combination of small farms into large collective farms and the establishment of state farms have resulted in a tremendous increase in production. In some cases as much as 200%. Tremendous amounts of flax, cotton, sugar beets and Kok-sagyz (rubber) are grown in the Soviet Union. The U.S.S.R. produces more wheat, rye, barley and oats than any other country in the world.

Its industries, planned and built in the last twenty years, the second only to those of the United States. Its mineral resources are abundant. 10% of the world's petroleum, 12% of the world's gold, is produced in the Soviet Union. In fact, the Soviet Union is second only to the United States in the production of petroleum. The Soviets are fourth in coal and second in iron ore. They lead the world in the output of platinum and rank high in copper, zinc and lead.

These quoted paragraphs make clear that wealth comprises flax, cotton, sugar beets, coal, petroleum, iron ore and other products.

The controversial opinions relating to collective division of wealth—opinions which throw even the various kinds of Communists and Socialists into conflicting schools of thought—would seem not at all germane in the simple factual pamphlet for school children.

Mr. Russell's charge about omission of material which may or may not be true or pertinent is nothing more than an effort to dictate what shall or shall not be printed about the Soviet Union. This is clearly an attempt at censorship. 14

Issue of Council's Bulletin of the Committee on Education

Concerning one issue of the Council's Bulletin of the Committee on Education, the Russell Report states:

This publication of the National Council of American-Soviet Friendship, Inc., in the issue marked number one, contains a so-called geography examination on the Soviet Union which is recommended for United States school children. One of the questions is as follows: "The Soviet Union has many advantages for carrying on manufacturing because". There are five reasons listed and the students are to select three as their answer. This question is purely a propaganda question intended to convey to the minds of school children that the Soviet Union's system of government has many advantages over our own.

Another question is: "There are few large seaports in the Soviet Union because." This question can be interpreted to mean that Russia needs seaports and that therefore in future years United States school children having studied this in school may be sympathetic toward any Russian expansive policies seeking to control the sea-lanes of Europe and Asia.

Many of the persons associated with the "Committee on Education" have a record of affiliation with Communist-front groups. Some of these persons' records are attached to the end of this report.

The examination to which Mr. Russell refers appears on pages 22 and 23 of Vol. I, No. 2 of the Bulletin. It is in two sections. I give portions of both sections and show in context the two questions to which Mr. Russell objects:

Sixth grade children in Cleveland were given the following test at the end of their study of Soviet Geography. TRY IT ON YOUR CLASSES!

Directions: Choose the region or city described in the paragraph. Put its letter on the line at the right.

1. This region has little rainfall. Herding of sheep and cattle is important work. Crops are raised

either by dry farming or by irrigation. The government is experimenting with and introducing crops that do not need much water. ....1.

a. Forest b. Grassland c. Steppe and desert d Tundra

2. This natural region is a plains region. Wheat, rye, barley, oats, flax, sugar beets and tobacco are raised on its very fertile soil. This is the best farming region of the Soviet Union. 2. 15

a. Forest b. Grassland c. Steppe and desert d. Tundra

3. The herding of reindeer is an important work of the nomads in this region. During the long cold winter the ground is covered with snow but in summer the snow melts, the ground thaws a few feet and mosses, lichens, and grass grow quickly in the long hours of sunlight. ....3.

a. Forest b. Grassland c. Steppe and desert d. Tundra

4. In this natural region, flax, rye, oats, and potatoes are the chief crops. Lumbering, hunting and trapping are important industries. The capital city of the Soviet Union is located in the European part of the region. ....4.

a. Forest b. Grassland c. Steppe and desert d. Tundra

5. This city is the largest and best equipped seaport in the Soviet Union. It is Russia's best outlet to the Baltic Sea. ....5.

a. Leningrad b. Murmansk c. Odessa d. Vladivostok

Directions: For each of the following sentences there are THREE reasons which are best. Write the letters of these THREE reasons on the line at the right.

1. The Soviet Union has many advantages for carrying on manufacturing because 1

a. the large population needs manufactured products
b. fuel and raw materials are abundant
c. there is a great range in latitude
d. there are many workers
e. there are many collective farms

2. There are few large seaports in the Soviet Union because 2

a. there is a great range in latitude
b. the war has interrupted foreign trade
c. much of the seacoast is along the Arctic Ocean
d. some rivers flow into bodies of water which have no outlet.
e. many harbors are frozen over during the winter.

To stigmatize the question about manufacturing advantages as "purely a propaganda question" and to indicate that the question about seaports is propaganda to justify "Russian expansive policies" is to read into this examination meanings which are purely Mr. Russell's own.

Mr. Russell's third paragraph (here quoted) is 16
well worthy of repetition and propaganda analysis.

"Many of the persons associated with the Committee on Education have a record of affiliation with Communist front groups."

The devices used here are Name Calling, negative Transfer, and Card Stacking, used together to imply guilt by association.

It should be remembered that propaganda appeals primarily to the emotions and can be checked upon by looking at the facts. Here we would have so many facts to check upon, that the would-be analyst is discouraged before he starts his attempt. To discourage a checkup is the aim of the propagandist.

Here, I have gathered at least the first part of the necessary information—the names of the Committee on Education. But what does that tell me? I have no way of discovering to which of these names Mr. Russell referred.

Further, even if I were able to pick up just the ones he meant to indicate, I should then have to find out every group that each of these individuals had even been connected with and determine which groups were Communist fronts.

This is Card Stacking at its worst because it is immediately obvious to the propaganda receiver that he cannot check the facts, so he tends to relax and receive the impact via his emotions rather than his intellect.

Let us assume for a moment, however, that Mr. 17
Russell's charge of affiliation with Communist front groups on the part of some persons associated with the Committee on Education is correct. That fact would have nothing to do with the material which must be judged on its own intrinsic merit.

Examples of this assumption of "guilt through some devious and hazy association" can be found throughout the Russell Report.

The American Theatre—Publication of the National Council of American-Soviet Friendship

Mr. Russell refers to "previous reports" (unidentified) concerning "Communist interest in the theater as a means of disseminating Communistic propaganda" and states that "the Communists consider this medium of propaganda as essential to the furthering of their program." One might note here that so does everyone else, yet he pins the label Communist on the Council because it seems to be no exception to that belief. This is an example of negative transfer. He declares that in the first issue of the publication, "Notes on the American Theater," the Council "selects the well-known fellow traveller, Frederick March, to contribute an article concerning the role of Major Joppolo in 'A Bell for Adono' who is described as an anti-Fascist fighter." Mr. Russell here observes that "being anti-Fascist is not a fault, of course, but when this decadent term is employed by fellow travellers it is only furthering some phase of the Communist Party line." The word "decad-

ent" is full of innuendo, showing Russell's bias. The device is Card Stacking.

Mr. Russell observes that the second issue of the 18
publication, "The American Theater," discusses plays concerning controversial issues such as "Deep Are the Roots". This play, he declares, concerns the negro (sic) and "the so-called reactionaries of the deep South". Mr. Russell points out that this publication is sent to Soviet Russia and thus people of that nation are informed that one section of the United States is plainly labelled as non-Communistic by the Council" to which he refers as "this so-called non-propaganda organization." Mr. Russell declares: "Negro equality is part of the Communist Party line and the Russians are being told that we have a reactionary attitude toward the Negro."

• • • • • • • • • • •

The play, "Deep Are the Roots," mentioned by Mr. Russell, *is* a propaganda play calculated to decrease race hatred and injustice. Similarly, "Uncle Tom's Cabin" was such a play.

Mr. Russell writes that "Negro equality is a part of the Communist Party line . . . " So it is. It is also a part of Christian ethics, and of the Declaration of Independence and the United States Constitution, and of the Charter of the United Nations. That some of our Americans, North and South do have a "reactionary attitude toward the Negro" is only too true. Note the current reaction to the recommendation in the President's Civil Rights Report. To replace this attitude by the one set forth in the Declaration of Independence and the Constitution is good Americanism.

Constitution of USSR—Distributed by National Council for American Soviet Friendship

Mr. Russell's remarks concerning the Council's distribution of the Constitution of the U.S.S.R. are 19
typical of his general line of argument. I quote them in full:

Article II of the Russian constitution says "The Soviets of Working Peoples' Deputies, which grew and attained strength as a result of the overthrow of the landlords and capitalists and the achievement of the dictatorship of the proletariat, constitute the political foundation of the U. S. S. R."

Thus we have a plain statement that landlords and capitalists were ousted through revolution and that the peoples deputies grew and attained strength as the result of the revolution.

Joseph Stalin in his latest speech said that "Capitalism is responsible for war," thus if every nation becomes communistic we will have no more war. When Stalin said this he was in effect saying that the United States was partly responsible for the war just ended. This was said despite the fact that Germany attacked Russia. The United States did not involve Russia in the war.

Lenin blamed the world's evils on "capitalism," Stalin does also.

The National Council of American-Soviet Friendship by distributing copies of the Russian Constitution which contains adverse statements concerning capitalism is not distributing copies of the American Constitution to the Russian people.

Mr. Russell's objections to the distribution of this historic document appear to fall into two categories. First, he does not like the contents of the document itself. He seems to be shocked at the information that the present Soviet government was the direct result of a revolution and he also implies that it would be harmful for the American people to have the facts on the matter.

Actually the Council's distribution of this document falls into the classification, not of propaganda activity, but of *educational* activity. Even were we now at war with the Soviet Union, the distribution of such a document would be entirely proper.

Secondly, Mr. Russell feels that if the Council distributes the Soviet Constitution in the United States, it should distribute the United States Constitution in the U.S.S.R.

Here Mr. Russell is suggesting an addendum to the program of the Council. In making a report on a body of material, Mr. Russell should not properly attempt to dictate the policy of the organization publishing the material.

V.

Mr. Russell's Report on the Council publications is in itself propaganda, the aim of which is evident throughout his entire report—namely to break down any feelings of friendship which the American people might have for the government and people of the Soviet Union and to discredit persons and groups intent upon strengthening the ties of friendship between the United States and the Soviet Union.

The Russell Report falls into two distinct divisions or parts, although these are not indicated as such by Mr. Russell.

Part one, which comprises the first half of the Russell Report, deals with a publication of the Council undertaken after the war with the Axis had been won: Namely the Council's publication "Reporter." The publication's purpose is stated in the first number dated September 15, 1945, as follows:

> No Time for Confusion
>
> This publication, inaugurated with this issue, believes that the temper of the relations between the United States and the Soviet Union in a larger measure determines, and will increasingly determine, the world's political weather.
>
> We believe that American-Soviet friendship is best served by presenting the important facts as they emerge in the developing relations between the two countries. The facts are ascertainable, but do not always come readily to hand. They are found in many places, as often in a statistical table as in a diplomatic document. And they are not always what they appear to be. An isolated headline may be factually correct in describing the material under it, but wildly at variance with the over-all reality of

U.S.-U.S.S.R. relations. Speeches, statements, comments, reports are constantly appearing, which throw sharp emphasis on one phase or another of U.S.-U.S.S.R. relations; the intention may be of the best (or may not) but frequently the effect is to distort. Sensation is piled on sensation, each partly disproved and half-forgotten before the next comes along; and the confusion in the public mind keeps pace with the need for clarity between two peoples who between them will shape the future.

The National Council of American-Soviet Friendship is establishing this publication as an attempt to lessen the confusion. It will serve the purpose to which the National Council is dedicated—to promote better American-Soviet relations—by presenting the relevant facts as fully as they can be ascertained, and as accurately as they can be stated.

There is a need for this publication. We hope our readers may feel that REPORTER does to some extent fill that need.

Nine issues of REPORTER are discussed in the RUSSELL REPORT, beginning with Vol. I, No. 1, September 15, 1945, and ending with Vol. I, No. 9, January 14, 1946. No mention is made in the RUSSELL REPORT of the issue of September 29, 1945.

Part two, comprising the second half of the RUSSELL REPORT, deals with 12 publications issued in connection with the Council's war-time activities. One of these is an issue of a news letter. Most are pamphlets. One is a 89 page Study Guide published by Harvard University's Graduate School of Education; one is a 54 page mimeographed record of "Proceedings of Conference on Education about the Soviet Union," with names of members of the Council's Committee on Education and members of the Sponsoring Committee on inside of back cover.

No mention is made in this *second half* of the RUSSELL REPORT, which deals with the Council's *War-time Activities* of more than 30 publications of the Council.

These reveal not only the nature of the Council's

work in bringing friendlier and more effective cooperation between the United States and its ally, the U. S. S. R.; they reveal what many civic and military leaders and highest officials of the federal administration thought of the Council's war work. For example:

"I am grateful to you and all those who are celebrating American-Soviet Friendship Day for the words of support and confidence I have received. There is no better tribute we can hold out to our Allies than to continue working in ever growing accord to establish a peace that will endure. In line with this objective, such meetings as you are holding in Madison Square Garden and in other great centers throughout the United States are of tremendous value and assistance."—Pres. Franklin D. Roosevelt, Message to National Council November, 1944.

"I am glad to have this opportunity to pay tribute to the men and women in the uniforms of the United Nations, who have fought so gallantly to defeat our common enemy. We must now bend our every effort and work together to assure that these sacrifices shall not have been in vain, by building the peace on the four essential human freedoms—freedom of speech and religion, freedom from want and fear."—Pres. Harry S. Truman, Message to National Council May, 1945.

"American-Soviet Friendship is one of the cornerstones on which the edifice of peace should be built. To achieve this friendship, nothing is more important than mutual understanding on the part of each of the institutions, traditions and customs of the other. As an American soldier and lover of peace, I wish your Council the utmost success in the worthy work it has undertaken."—Gen. Dwight D. Eisenhower, Message to National Council November, 1945.

"I send my greetings and best wishes to the National Council of American-Soviet Friendship. It is fitting, proper and essential that you and all of us work for peace. Those who seek to build up suspicion of our allies and enmity between nations are the enemies of America and the advance agents of desolation."—Henry A. Wallace, Message to National Council November, 1945.

"American labor appreciates how much our country and all the other United Nations owe to the magnificent war effort of the Soviet Union, and how much the future peace and prosperity of the world depend upon the continuation and strengthening of this alliance of all freedom-loving peoples. The C. I. O. therefore heartily welcomes your constructive effort to closer American-Soviet Friendship."—Philip Murray, Message to National Council November, 1945.

To obtain a clear picture of the Council's activities as a propaganda organization, the RUSSELL REPORT should have begun at the beginning. It should have made the *first part of the REPORT* on Council publications concern those issued while our nation faced the desperate peril of war—a peril that brought the Council into existence as a necessary war measure. It should have shown *why* the highest authorities of our federal administration and of our armed forces recognized the imperative need for creating in America friendlier feeling for the people and government of the Soviet Union. 23

Students of propaganda and of international relations know that from the close of World War I until the beginning of World War II the Soviet Union and Communism were condemned continuously in propaganda which was carried by press, radio, school, church, government, and by patriotic, business, labor and other groups. Thus the very words "Soviet Union" and "Communism" became stimuli to create automatic condemnation.

In short, conditioned reflexes, associated with intense fear, had been established. They made it almost impossible for tens of millions of people to think calmly and clearly and to arrive at judgments based on revelant facts.

To cooperate as allies in war, it was necessary to inhibit and if possible break down these conditioned reflexes both in the United States and in the Soviet Union. In the United States this could be done effectively only through two means: first, the creation of new conditioned reflexes in which the word "Soviet Union" would bring a friendly

response; second, through a program of factual education. Far from accepting these necessities, MR. RUSSELL in his REPORT dealing with the war-time activities of the Council, omits entirely the fact that our enemies were the fascist powers and gives the impression that our enemy has been and is the Soviet Union.

The National Council of American-Soviet Friendship, with the approval of the highest governmental authorities, attempted to create these new reflexes and to establish the program of factual education necessary to insure American-Soviet cooperation required to win the war and to preserve the peace.

Once it was apparent, however, that the allies would win the war there was a renewal in the United States of the anti-Russian propaganda which had been a cause of the war. Indeed, this anti-Soviet propaganda had never entirely ceased. With the coming of peace this type of propaganda began to increase. Daily it flowed in greater volume through all channels of communication. The old reflexes were being revived. MR. RUSSELL clearly indicates that he disapproved the efforts of the Council to combat this propaganda.

By omitting all reference to the vitally important war work of the Council, and by devoting the first half of his REPORT to a denunciation of the Council's activities to preserve the peace, MR. RUSSELL in his "Comprehensive Report" has produced a document which is not comprehensive, which gives a distorted and false picture of the Council.

Throughout this document MR. RUSSELL used the Card Stacking device; he assumes that the Council is a Communist or Communist front organization, that its aim of preserving the peace is per se an evil aim.

Thus, in discussing what is perhaps the most important revelation of the Council's war-time work, "Proceedings of Conference on Education about the Soviet Union," Saturday, October 14, 1944, New York City, MR. RUSSELL begins by citing a quotation

from SUMNER WELLES' book, *The Time for Decision*, as follows:

> "... The maintenance of world peace, and the progress of humanity is going to depend upon the desires and the capacities of the peoples of the two countries to work together ... Unless both governments and both people make a sincere and determined attempt to find a new foundation for the relationship between the two nations, the very cornerstone of any future international organization will be lacking."

This quotation was given by the conference chairman, DR. HERBERT DAVIS, President of Smith College.

After citing this quotation (but omitting the fact that it was presented to a group of educators by an eminent educational leader) MR. RUSSELL adds: "The organization uses a statement in its publications which would lead one to believe that England and France have nothing to do with world peace. The organization apparently then believes that only the appeasement of Russia can bring peace to the world. Its publications definitely are pro-Russian as has been shown."

Earlier in his REPORT (Page 4—line 16 of copy in my possession) MR. RUSSELL has accused the Council publication, REPORTER, of always following the same viewpoint—"the same as any other pro-Russian publication".

This charge is now renewed in his discussion of the Council's war-time publication, "The Proceedings of Conference on Education about the Soviet Union".

An examination of the Proceedings shows that MR. RUSSELL's pro-Russian charge against the Council was groundless *even in war time*.

On Page 7 of the Proceedings, for example, we find in the printed report of GEORGE B. CRESSEY of Syracuse University the following statement: 26

> "We are here to promote friendship between this country and the Union of Soviet Socialist Republics. The only basis upon which that friendship can be sure and

dependable is that it is intelligent. We need to understand what the problems, what the assets, and *what the short-comings may be of the U. S. S. R.*" (Italics mine)

Actually, instead of building a program to make Americans pro-Russian by ignoring all unfavorable facts about the Soviet Union, the Council in the publication, Proceedings, printed the remarks of PROFESSOR ROBERT S. LYND of Columbia University made in connection with courses on Contemporary Russian Civilization offered at Cornell University by himself and others:

"Now as to the second of the major conclusions. The dominant impression that I brought away from Cornell is this, that the danger to such courses is involved in treating them as political devices to build a favorable attitude toward the Soviet Union. There was a minority of students, the most vocal group, who entered the course in the mood of undergraduates entering a cheering section behind a foot-ball team! They wanted the lecturers to be cheer-leaders. They lapped up praise of the Soviet Union with smiles. But the moment the lecturer turned to criticism, or to raising questions, he could see their faces drop, and felt the ranks stiffen emotionally in front of him as he lectured.

"We must recognize this attitude as a problem, if we mean to introduce courses of this sort into American education. In our role as educators, and as American educators, how about all this? I believe it's bad business, and I think it should be rejected on two grounds: from the point of view of the Soviet Union itself, and from the point of view of education. I believe profoundly that the worst possible friends of the Soviet Union are those who want to present a 'phony', as what it ain't. If we believe, and I do profoundly that they are doing a job, and a whale of a job of enormous human importance, in the Soviet Union, then why should be friends of the Soviet Union be afraid of criticism where it is honestly made? I believe that we are performing the worst possible service to the Soviet Union if we try to sell it as lily-white perfection. Aren't its achievements big enough to overtop its mis-

takes and its immaturities? Americans have a right to raise their honest questions, and if they ~~are not~~ met candidly and honestly, by us friends of the Soviet Union, then any American who is intelligent will see through our flimsy partisanship, and our bland arguments will invite him to believe that people who claim to understand the Soviet Union have put their brains in pawn . . .

"There are humanly, terrible important things involved in what the Soviet Union is trying to do. Things that are important for us as Americans. I believe in teaching them as important things. And I believe in teaching them with ardor. But never teaching them as an earthly version of heaven." 27

As one reads the "Proceedings" one sees clearly the nature and difficulty of the Council's main war-time task: the building of friendlier relations between the United States and the Soviet Union.

As PROFESSOR HOWARD E. WILSON of the Harvard Graduate School of Education indicated in his remarks, printed in "Proceedings," "for the Council to have attempted to condition the American people to accept Communism" would have meant *certain failure* of its important work.

MR. RUSSELL's treatment of the other war-time publications is as inadequate and as unfair as his treatment of "Proceedings".

His method is to quote a sentence or a paragraph out of context, add material of his own, and then to repeat his opinion that the Council is pro-Russian or Communist or a Communist front—meanwhile omitting all of the voluminous evidence that the Council objectives and activities were directed solely toward winning and preserving peace for the people of the United States.

As I have stated, propaganda is expression of opinions or actions by individuals or groups deliberately designed to influence the opinions or actions of other individuals or

groups with reference to pre-determined ends. The Council's opinions are deliberately designed to encourage American-Soviet friendship. MR. RUSSELL's 28
opinions seem deliberately designed to bring about enmity between the United States and the U. S. S. R. The Council openly and frankly states that it wants friendship. Organized as it was shortly after the entrance of the United States into the war against the Axis, the Council's propaganda was directed to the breaking down of the feelings of fear and hatred against Russia.

The Council based the opinions used in its propaganda on relevant facts. In what may have well been one of the most influential of its publications, "Meet the Soviet Russians—A Study Guide to the Soviet Union to Teachers in Secondary Schools", it printed and recommended an annotated bibliography which contained not only the rosy picture of the Soviet Union given by Communists and enthusiastic sympathizers, but articles in books by some of that nation's most hostile critics. This booklet, which
was published by the Graduate School of Education 29
of Harvard University, is Number 6 in the Harvard Workshop Series.

In general, the opinions expressed in the Council's propaganda for friendly war-time and peace-time relationships with the Soviet Union are based on well documented facts. Considered as a whole, the Council's publications placed their greatest dependence upon the propaganda device known as Glittering Generalities in which the "good" words used were "victory," "peace," and "preservation of peace," and "democracy."

Running these generalities through a prism of analysis we find that the Council bases them upon specific facts dealing with specific situations in the relationships between the Soviet Union and other nations, including the United States.

The Testimonial and Transfer devices are used in the Council propaganda in connection with the testimony of-

fered in behalf of American-Soviet friendship by eminent figures in government, business, education, literature and other professions; the Transfer device in transferring the approval of the United States government itself to the activities of the Council, the approval of Harvard University and other institutions of learning. In no case have I discerned any evidence that these devices were dishonestly used.

MR. RUSSELL, in his report on the Council publications, places chief dependence upon the devices of Name Calling and Card Stacking.

In the very first sentence of his report he writes: "As stated in a previous report the publication entitled the REPORTER, issued by the organization under investigation, is a propaganda organ intended to create sympathy for the Russian position in Europe and the Far East."

It would seem justified to assume that the word "propaganda" and the phrase "propaganda organ" are used as bad names with intent to have them operate as stimuli to cause automatic disapproval and rejection of the Council and its aims. In comparing the procedure followed by the Council publication, the REPORTER, to that employed by the German Library of Information prior to the second world war, MR. RUSSELL draws an implication not justified by the facts. The German Library of Information represented the Nazi government, a foreign power, and disseminated propaganda in the interests of that foreign power.

The material we have summarized in the copies of the REPORTER and the miscellaneous publications covered in MR. RUSSELL's report reveal that continuously he uses the names "Communist," "Soviet Union," "Russia," "Fellow traveler," as bad names, as stimuli designed to bring about the condemnation not only of the Council but of any individuals and groups in agreement with the Council that cooperation between the United States and Russia was essential to the winning of the war and the peace.

This propaganda device of Name Calling is the technique of implying guilt by association, a concept wholly out of keeping with the American tradition.

To obtain guilt by association, the Name Calling 31
device is invariably used together with the innuendo, distortion and false statements found in the Card Stacking device. Note how in MR. RUSSELL's comments on issues of the REPORTER examples of these devices appear.

In his Card Stacking he omits all facts which would run counter to his assumption that the Council is a Communist organization or a "Communist front." An example of MR. RUSSELL's Card Stacking is found in his comment on the Sept. 15, 1945 issue of the REPORTER.

He cites a statement from that issue that there is no compulsion for markets in the Soviet Union because it has its own internal market to supply; that this will keep its industry expanding for years, and that the United States will need the Soviet market for its own exports. On this point, MR. RUSSELL writes, "in other words, Russian industry is expanding in that country, American industry is stagnant in our own country. We should loan money to Russia in order to sell them things with which to build up that expanding country." Nowhere in the Council publications have I discovered anything to justify MR. RUSSELL's conclusion to the effect that the Council regards American industry as "Stagnant."

Commenting on Russia's request for a loan to help the Soviet Union build up its economy, MR. RUSSELL seems to see in such a request an outrageous proposal. What is "outrageous" apparently is the fact that 32
MR. RUSSELL just doesn't like the Soviet Union.

Loans or credits which result in expanding economies and increase trade among nations are seen by the REPORTER as highly desirable. This publication, in its September 15 issue, cites an N. A. M. statement to the effect that the Soviet request for credit was pigeonholed in Washington—a statement which seemed to imply some concern

on the part of the N. A. M. that pigeonboling that request blocked possibilities for trade which might be profitable to N. A. M. members.

This issue of the REPORTER and MR. RUSSELL's analysis of it make very clear the Council believes in friendly and mutually profitable trade relationships between the United States and the Soviet Union and that MR. RUSSELL doesn't. Thus, at the very beginning of his report we see evidence of a dislike that runs throughout that document. This is revealed frequently by the colored words he uses. For example, in comment on a statement in the REPORTER to the effect that the success of the Russian Five Year Plans during the period 1928 to 1941 was due in part to American exports, MR. RUSSELL writes that this fact "is conceded" by the publication.

The word "conceded" appears to carry the implication that the Council would like to have people believe that the Soviet Union has succeeded only through its own merit and without any help from any other nation. 33 I find nothing of this idea in the publication, the REPORTER, in question, nor indeed in any of the Council publications. On the contrary, I would judge that the REPORTER deliberately included a statement about the importance of American exports to Russia as something to which it desired to direct particular attention, as trade relationships are mutually beneficial to both nations.

Concerning the REPORTER of October 15, 1945, MR. RUSSELL comments that "THE REPORTER" agrees with the judgment of the Soviet government newspaper, Izvestia, which said on October 5 that the seriousness of the present impasse 'should not be underestimated'.

From this statement that the Council agrees with Izvestia, the reader of his report may draw the implication that the Council is a "Communist" organization, with ties to the Soviet government's own newspaper. That this implication is intended by MR. RUSSELL is indicated further on in his report (page 4 of my copy) in which he

states: "It is easily determined that the REPORTER, *the same as any other pro-Russian publication, always follows the same viewpoint, the Soviet is always right.*" (My italics)

This is Name Calling on MR. RUSSELL's part 34
and quite unjustified.*

In its various issues the REPORTER repeatedly asserts that the American government's officials responsible for agreements designed to preserve the peace were right, and in the Harvard University publication, "Meet the Russians," adverse criticisms of the Soviet government are frankly stated and readers of this booklet are presented with a selected annotated bibliography which includes books by such critics of the Soviet Union as William Henry Chamberlin, Max Eastman, and Markoosha Fisher! Concerning the last named the annotation reads: "The author's faith in the Soviets was badly shaken by the purges and her disillusionment was completed by the Nazi-Soviet Pact." This volume is described in the annotation as "an extremely well-told, interesting account of personal experiences in the Soviet Union, written by the wife of Louis Fischer, American journalist."

On page 22 of the booklet, "Meet the Russians" on the subject of Civil War and Allied Intervention" the statement appears: "The treatment of the anti-Bolsheviks was harsh and often unjust, many being exe- 35
cuted and many fleeing to other countries. The ex-

* Mr. Russell is himself familiar with the Name Calling device. This is evident a few sentences further on when he quotes the REPORTER as saying that the renewal of German Fascism is a possibilty unless the Potsdam agreement is lived up to." He comments, "This Fascist Name Calling device is a Communist tactic and part of the scare technique employed by them." I would direct attention to the fact that Name Calling is used by all manner of people of all manner of beliefs everywhere. It is used by Communists, by Fascists, by Jews, Catholics, Protestants, Mohammedans, people of all races and nations. It is a tactic employed by the human race, honestly or dishonestly, correctly or incorrectly, for good or for evil. Mr. Russell's association of the phrase "scare technique" in connection with his use of the term, implies that only Communists saw anything to fear in Fascist practices and that they used Name Calling to evoke unjustified fear. Millions of people the world over found real reason to fear the policies of the Fascist nations. Fascist persecution of racial and religious groups provided grounds for such fear; and the attack on Pearl Harbor emphasized the real basis for such fear.

treme measures taken by the Bolsheviks to put an end to Civil War caused a revulsion of feeling among the Western nations. This was increased by the stress laid on world revolution as the aim of the Bolsheviks, symbolized in the person of Trotsky." Again, on page 35, in discussing civil liberties as listed in the Constitution of the U. S. S. R., the booklet states: "Severe, even ruthless methods, are sometimes used to enforce compliance with these principles."

The preface of "Meet the Russians" was written by Professor Howard E. Wilson, of the Harvard Graduate School of Education. He states that the booklet is an outgrowth of the 1944 Summer Session of the Harvard Work Shop in the Social Studies; that one section of this Work Shop, which was made possible by the aid of the National Council of American-Soviet Friendship, "was focused on the Soviet Union and that Dr. Corliss Lamont and Dr. Dorothy Douglas directed this section, "working in full co-operation with other staff members."

Professor Wilson says in the preface that "this document is not a propaganda plea: it is an effort to place facts before teachers in an educationally useful format".

In the sense that the booklet is a calm, reasonable and factual approach to our relationships with the U. S. S. R. it certainly is not a propaganda plea, if that term is taken to mean only propaganda which operates primarily through conditioned reflexes and which is charged with intense emotion. 36

Propaganda, as persuasion or teaching or preaching, can operate at the intellectual level. It can present various facts and opinions and indicate that certain conclusions logically follow. This "Meet the Russians" does. Its purpose is clearly stated by Professor Wilson in his preface:

> "Increasing sensitivity in the United States to the international setting and influences of our times leads inevitably to readjustments and new emphases in school programs of education for citizenship. In re-

cent years we have begun to increase and improve our instruction about Latin America and Asia; as the source of the above quotation indicates, we are awakening to the need for more study about Canada. Among the most seriously neglected areas in our school programs today is the Soviet Union. We teach relatively little about the Soviets; an undue amount of what is presented seems to be inaccurate, incomplete, and biased; out-of-school influences tend to provide much misinformation, to be animated by prejudgments. The net result is that we have more misinformation than information, more heat than light, in our total educational program about one of the major powers of the world in which our pupils must live."

The RUSSELL report makes only the casual mention of this booklet. It cites a chart on page 46 "showing that the country (U. S. S. R.) is economically independent and that imports during the year 1937 were practically nothing as compared with the year 1913 under the Czars of Russia."

This chart, credited in the booklet to "Scientific Institute of Pictorial Statistics, Moscow", prompts MR. RUSSELL to observe that "in previous documents issued by the National Council of American-Soviet Friendship it has been said that American prospects for trade with Russia are unlimited if we extend credit and make loans to that country. Page 46 of the above entitled pamphlet 37 appears to give the lie to this statement because it has a chart showing that the country is Economically Independent and that imports during the year 1937 were practically nothing as compared with the year 1913 under the Czars of Russia."

MR. RUSSELL's brief mention of "Meet the Russians" (most effective and objective statement I have yet seen to further friendlier relationships between the U. S. and the U. S. S. R.) is only to associate it with what he indicates is a lie disseminated by the Council.

Omission of what this booklet reveals of the virtues and faults of the U. S. S. R. is an example of the Card Stacking used throughout the RUSSELL report.

In conclusion I should like to restate that the Council's publications are moderate, calm and restrained. I am unable to find within them any propaganda calculated to incite overthrow of our government by violent or non-violent methods or any incitement to violence whatsoever. Nor do I find any criticism of "the principle of our form of government" or any suggestion that the Council would prefer any other form of government to our own. The Council is honestly and openly utilizing propaganda to help achieve its aim of friendship and peace between the United States and the U. S. S. R.

Upon full consideration of the Council's material and MR. RUSSELL's report on it, MR. RUSSELL's report can be viewed only as a propagandistic attempt to discredit and obstruct the activities and aims of the Council. It is not an objective analysis of the Publications submitted.

* * * * * * * * * *

Defendant's Exhibit No. 60.

REPORT BY THE DIRECTOR TO THE MEMBERS OF THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP ON THE ACTIVITIES OF THE COUNCIL.

The first Congress of American-Soviet Friendship 1
was held in New York City November 7-8, 1942. Panel discussions took place on science, culture, labor and other topics. The Congress culminated in a meeting at Madison Square Garden at which Vice-President Wallace and Mr. Litvinov, then Soviet Ambassador to the United States were the principal speakers. The enthusiastic attendance at the various meetings of the first Congress was an important factor leading to the decision to establish the National Council of American-Soviet Friendship.

The first meeting of Incorporators and members which formally initiated the Council took place on March 6, 1943. Thereafter a small staff was set up under an Executive Secretary. The first functions to which attention was given were a Speakers Bureau, a Department of Photographic Exhibits, and the preparation and distribution of educational pamphlets.

Exhibits

At the present time the Exhibit Department has 25 subjects in its exhibits on the Soviet Union, including photographic exhibits and exhibits of war posters, of pre-war and wartime Water Colors by children, and of Soviet Children's Books. Titles of these exhibits follow:

The Industries of the Urals (portfolios)
The Soviet People at War (4 sets)
The Soviet People in Peace
Education for Victory (2 sets)
Nursery School Care
Scenes and People of the Caucasus
People of the Minorities (2 sets)
Labor and Industry
Art and Culture in the War (portfolios)
Collective Farming
25th Anniversary Folios (3 sets)
Water-colors and drawings by children (4 sets)
War Posters, mounted (3 sets)
Book Illustrations by Soviet Artists
Architecture and City Planning
Wartime Medical Care (portfolios on Health Protection in Wartime)
Theatre in the U.S.S.R. (portfolio) 2
Stalin Prize Winners (portfolio)
Pictorial Survey of the USSR (4 sets)
War Cartoons (several sets)
Wall Newspapers on the War

Small War Posters, unmounted (6 sets)
Album on Ballet
Album on Heroes of the War
Soviet Children's Books (10 sets)

The photographic exhibits are shown all over the country and are always in great demand. The greatest demand for the showing of exhibits comes from museums, public libraries, schools and colleges.

Literature

The Council has issued the following pamphlets on Soviet life and American-Soviet relations:

U.S.S.R. at War: 50 Questions—50 Answers
Soviet Russia vs. Nazi Germany—Corliss Lamont
American-Anglo-Soviet Alliance: Documents and Comments with an introduction by former Ambassador Joseph E. Davies
The Trade Unions of our Soviet Ally—Clifford T. McAvoy
The Molotov Paper on Nazi Atrocities
The Soviet People at War—Alvah Bessie
Salute to our Russian Ally—Proceedings of 1942 Congress
Tribute to our Russian Ally—Henry A. Wallace
News Letter, Nos. 1, 2 and 3
On American-Soviet Friendship, Open Letter to the American People
Constitution of the USSR (English and Yiddish)
Organized Labor in the U.S.S.R. (three editions)—Edwin S. Smith
For World Peace and Freedom—Alexander Troyanovsky
Soviet Russia and the Post-War World—Corliss Lamont
America and Russia—Corliss Lamont
A Family of Nations: The Soviet Union

Drama in Wartime Russia—Henry W. L. Dana
Soviet Children and Their Care—Rose Maurer
U.S.A.—U.S.S.R.—Speeches and Messages at the 1943 Congress
"We will Join Hands with Russia"—on Polish-Soviet Relations 3
Education and Youth in Wartime in the U.S.A. and the U.S.S.R. (Proceedings of the Education Panel of the 1943 Congress—mimeographed)
The Soviet Union: A Family of Nations in the War (Proceedings of the Nationalities Panel of the 1943 Congress—mimeographed)
Labor's Stake in American-Soviet Friendship (Proceedings of the Trade Union Panel of the 1943 Congress)
The Baltic Soviet Republics (based on "The Baltic Riddle")—Gregory Meiksins
Soviet Farmers—Anna Louise Strong
Our Soviet Ally in War and Peace—Joseph E. Davies
Soviet Women—Rose Maurer
Henry J. Kaiser on American-Soviet Post-War Relations
Facts About the Soviet Union (prepared for schools) mimeographed
Children's Books in the U.S.S.R.—Bibliography—mimeographed
Bibliography on the Soviet Union for Teachers and Students—mimeographed
Women, Child Care and the Family in the U.S.S.R.—Bibliography—mimeographed
Soviet Sports—Eric A. Starbuck
Meet the Russians—6 Radio Plays

The pamphlets published by the Council are sold through our local councils throughout the country, at bookstores and in connection with public meetings. Macy's on one occasion made a featured display of Council pamphlets.

Various publishers' indexes list our pamphlets, including the *New York Times and Publishers Weekly*. The circulation of Council pamphlets varies with the subject treated. For instance, "Drama in Wartime Russia" would have a narrower audience than the pamphets on Soviet minorities or the Soviet trade unions. Circulation varies also, of course, with price. Most Council pamphlets are priced at ten cents but some short pamphlets are cheaper. The average pamphlet probably sells around 15,000 copies, but some run much higher.

Business Book: One of the most interesting publications of the Council is a book entitled "American Industry Commemorates the Tenth Anniversary of American-Soviet Diplomatic Relations." It contains facsimiles of letters written by numerous business concerns together with a text of the letters in Russian and a brief history of the firms also in Russian. Large numbers of these books were sent to the Soviet Union where it is hoped, among other things they may assist the building up of American-Soviet trade. Space for the letters in the book was purchased by the individual concerns contributing letters.

Films

With few exceptions the Council does not distribute films directly but does help to publicize 16mm films dealing with the Soviet Union which are distributed by Brandon Films, by the New York University Film Library and others. 4

Speakers Bureau

The Speakers Bureau provides speakers for meetings on an average of fifteen or twenty a month. About one third of the requests for speakers come from outside New York City. The speakers cover a wide variety of topics such as Soviet culture and science, the peoples of the Soviet Union, child care in the Soviet Union, American-Soviet relations, the economic and political structure of the Soviet Union, etc. Speaking tours for individual speakers have been

planned through our Speakers Bureau in all sections of the country. Among groups most frequently asking the Council to provide speakers are: local councils (i. e., branches of the National Council,) schools and colleges, women's groups, nationality groups, so-called service clubs (Kiwanis, Rotary, etc.).

General Activities

The general activities of the Council have included public meetings and exhibits, the issuing of statements to counteract anti-Soviet propaganda, etc. Some of the more important of these general activities are listed below:

(1) The Second Congress of American-Soviet Friendship, November 8-10, 1943, celebrating the tenth anniversary of diplomatic relations between the U. S. A. and the U. S. S. R., as well as the 26th anniversary of the founding of the Soviet State.

This Congress had panel meetings on: Women and Child Care in the U. S. A. and the U. S. S. R.; Soviet Science and Technology; Public Health and Wartime Medicine in the U. S. S. R.; Soviet Minorities; Education and Youth in Wartime in the U. S. A. and the U. S. S. R.; Labor Organizations in the United States and the Soviet Union. Each of these panels had notable American speakers and in a number of cases Soviet representatives. The mass meeting at Madison Square Garden was addressed, among others, by Secretary of the Interior, Harold L. Ickes, Donald M. Nelson, Head of the War Production Board, Senator Claude Pepper of Florida and Ambassador Andrei A. Gromyko. Delegates from organizations and individuals present at the panel sessions came from 26 states and the District of Columbia. There was also a large luncheon in connection with the Congress and a concert at which the Budapest String Quartet performed. During November, 1943, fifty meetings were held under local council auspices throughout the country, radio scripts were performed, department stores displayed posters, etc. Nine symphony

orchestras at the suggestion of Dr. Serge Koussevitzky, Chairman of our Musicians' Committee, played programs of Soviet and American music during November in commemoration of the anniversary of diplomatic relations.

(2) An American-Soviet Friendship Rally was held under the auspices of the National Council of American-Soviet Friendship at Madison Square Garden, New York City, on November 16, 1944, commemorating the eleventh anniversary of diplomatic relations between the U. S. A. and the U. S. S. R. and the 27th anniversary of the founding of the Soviet State. Just prior to the meeting a broadcast on a nationwide hook-up was given from the Columbia Broadcasting System station in New York City. The participants in the broadcast included Ambassador Gromyko, the Earl of Halifax, Acting Secretary of State Stettinius and the Hon. Joseph E. Davies. Mr. Davies was Chairman of the Madison Square Garden meeting.

The speaking program included the then Acting Secretary of State Edward R. Stettinius, Jr., Ambassador Gromyko, the Earl of Halifax, Henry J. Kaiser, Captain William Gower of the United States Army Air Forces who participated in shuttle bombing in the Soviet Union, Mrs. Mary McLeod Bethune, President of the National Council of Negro Women, Albert J. Fitzgerald, General President of the United Electrical, Radio and Machine Workers of America, William S. Gailmor, radio commentator, Bishop G. Bromley Oxnam, Bishop of the Methodist Church, New York area, who delivered the invocation and Corliss Lamont, who served as co-chairman with the Honorable Joseph E. Davies.

A message from President Franklin D. Roosevelt was read to the audience by Chairman Davies. The message follows:

"I am grateful to you and all those who are celebrating American-Soviet Friendship Day for the words of support and confidence I have received. There is no better tribute

we can hold out to our allies than to continue working in ever growing accord to establish a peace that will endure. The Dumbarton Oaks Conference was a step in this direction. Other steps will be taken. In line with this objective such meetings as you are holding in Madison Square Garden and in other great centers throughout the United States are of tremendous assistance and value."

Other messages were received from Vice-President Henry A. Wallace, Secretary of the Treasury Henry Morgenthau, Jr., Secretary of Agriculture Claude R. Wickard, Secretary of War Henry L. Stimson, Hon. Manuel Avila Camacho, President of the Mexican Republic, Mrs. Winston Churchill, Field Marshall Jan Christiaan Smuts, Prime Minister of the Union of South Africa, General Dwight D. Eisenhower, Lt. General Jacob L. Devers, Lt. General Alexander M. Patch, Field Marshal Sir Bernard Montgomery, General Sir Henry Maitland Wilson, Dr. Serge Koussevitzky, Philip Murray, President of the Congress of Industrial Organizations, William Green, President of the American Federation of Labor and A. F. Whitney, President of the Brotherhood of Railroad Trainmen.

A joint message was received from twenty Hollywood stars.

Messages were received from Soviet writers, cartoonists, actors, scientists and architects.

(3) Red Army Day Dinner in New York City on February 21, 1944. Speakers: Lt. General Rudenko, Adjutant General Ulio, a British Major-General and the Assistant Chinese Military Attache. Eight other Red Army Day affairs were held throughout the country.

(4) Red Army Day Dinner in New York City, February 22, 1945. There were 1700 persons in attendance. The principal speeches were delivered by Secretary of the Treasury Henry Morgenthau, Jr., Major-General Fedor Ivanovich Belov, Field Marshal Sir Henry Maitland Wilson, and Major-General L. S. Kuter who had represented the

U. S. Army Air Forces at the Yalta Conference. Guests of honor included Dean Virginia Gildersleeve, Major-General Brossin de Saint-Didier, and Major-General Wen-Tchih Tsai.

(5) Carnegie Hall, New York, meeting, May 20, 1943, to combat anti-Soviet propaganda. Principal speakers: Senator Claude Pepper, Corliss Lamont, Arthur Upham Pope and Leland Stowe.

(6) "America's Stake in Polish-Soviet Collaboration." Town Hall, New York meeting, December 19, 1943. Principal speakers: Professor Oscar Lange, Father Stanislaw Orlemanski, Senator James M. Tennell (Delaware) and Leo Krzycki.

(7) American-Soviet War Exhibit, June to October, 1943, Rockefeller Center Museum, New York. Over 7,000 in attendance weekly. At the opening reception speakers included Madame Litvinov, Frank Jewett, President of the National Academy of Sciences, and Loy Henderson of the State Department.

(8) Reception at Soviet Consulate, December 23, 1943. One hundred and fifty outstanding professional persons present representing music, architecture, art, dance, theatre and book publishers.

(9) Reception by New York Writers to Professor Michoels and Lt. Col. Feffer in September, 1943. This resulted in the formation of a Publishers Committee which contributed 4,000 American books to go to the Soviet Union.

(10) Statement signed by 266 prominent Americans defending motion picture "Mission to Moscow."

(11) Publication on May 18, 1943, of advertisement in the New York Times of an Open Letter to the American People attacking current anti-Soviet propaganda. This advertisement was printed and distributed in pamphlet form (2500

copies). The pamphlet contained the signatures of scores of Americans in every walk of life.

(12) October, 1944. Issuing of an "Open Letter to Henry R. Luce" signed by a group of notable Americans including: Louis Adamic, William Rose Benet, Walter B. Cannon, Albert Einstein, Stanley M. Isaacs, Serge Koussevitzky, Corliss Lamont, Bishop Arthur W. Moulton, Ralph Barton Perry, criticising Mr. Luce and Life Magazine for the publication of ex-Ambassador Bullitt's article "The World from Rome." 7

(13) Sponsorship of Soviet film openings such as "The Russian Story" and "They Met in Moscow."

Professional and Cultural Committees

There has been an increasing tendency for the work of the Council to be more and more devoted to the building up of committees for professional and cultural interchange between the U. S. A. and the U. S. S. R. This kind of activity will, we believe, achieve great importance, particularly when the war is ended, and should become a permanent contribution to the cultural and scientific development of both countries. A brief description of the work of the committees which have been developed in this field follow:

Artists Committee

Officers: Chairman, Paul Manship; Vice-Chairmen, John Sloan, Leon Kroll, Max Weber, Rockwell Kent and Jo Davidson.

Treasurer, Hudson Walker; Executive Secretary Moses Soyer.

The membership of the committee includes a large number of artists in New York and elsewhere. As in the case of the other cultural committees the plan is to expand the membership in localities throughout the country in accordance with the development of programs that will enlist the cooperation of artists in various American cities.

Exhibit at Metropolitan Museum

The first project undertaken by this committee was the exhibit "Soviet Artists in the War" held at the Metropolitan Museum of Art from November 4, 1943 through January 3, 1944, under the joint sponsorship of the Artist Committee and the Metropolitan Museum. The attendance both on the opening night and thereafter was very large.

On the evening of the opening the President and Director of the Museum gave a dinner at the Museum in honor of the occasion to about 30 persons. After the dinner a reception was held in the main gallery of the Museum attended by about 3,000 guests jointly invited by the Museum and the Council. Subsequently the exhibit was toured throughout the country under the auspices of the American Federation of Arts.

Art Supply Campaign 8

On December 23, 1943, the Artists Committee launched a campaign at a reception held for the Cultural Committees of the Council at the Soviet Consulate to collect art materials or funds for purchasing art materials for Soviet artists. This campaign is still going on and art materials totaling about $1500 have been sent to the Soviet Union.

A meeting in tribute to Soviet artists at the front and in commemoration of the 26th anniversary of the Red Army was held at the Art Students' League, New York City, on February 18, 1944, and was addressed by Professor Arthur Upham Pope, Paul Manship, Philip Evergood and others.

An exhibit of original drawings and paintings by the artists of Woodstock, New York, has been sent to the Soviet Union, also a portfolio of prints of paintings by leading American artists.

The most recent affair under the auspices of the Artists Committee was the exhibit of Water Color paintings by children of the Uzbekistan at the Museum of Modern Art. The opening on September 23, 1944, was addressed by Vic-

tor D'Amico, Director of the Museum's Educational program, Honorable Vladimir I. Bazykin of the Soviet Embassy and Mr. Hudson Walker of the Artists Committee. The exhibit was continued until November 19, 1944 and at the present time is being toured throughout the country. Excellent publicity was given to the exhibit in the Metropolitan press.

Current projects of the Artists Committee include preparation of a history of American art and sculpture on colored slides to be sent to the Soviet Union; a collection of American illustrations (this is in the hands of a committee of the Society of Illustrators) and a collection of American commercial art.

A series of original cartoons by "The Kukriniksy" sent to the Council, now showing at Columbia University, has created very favorable comment.

Architects Committee

Officers: Chairman, Harvey Wiley Corbett; Vice Chairman, John W. Root, Chicago, Vernon de Mars, Washington, D. C. Talbot Hamlin, Columbia University, New York, Henry R. Shapley, Boston.

Executive Secretary, Herman Field.

The first preliminary activity of the Architects Committee was the showing of a Soviet exhibit of "Historic Monuments of Buildings Destroyed by the Nazi Invader" at the Architectural League of New York, from November 15 to November 30, 1943, under the joint sponsorship of the Architectural League and the New York Chapter of the American Institute of Architects. On November 15, the date of the official opening, a dinner was held at the League. The guest of honor was Hon. Eugene D. Kisselev, the Soviet Consul General. The speakers included Talbot Hamlin, Dean of the School of Architecture at Columbia University, Mr. O'Connor, President of the New York Chapter of the American Institute of Architects, Mr. Ferris, President of the Architectural League and Mr. Kisselev.

A valuable relationship exists between the Architects Committee and the Foreign Relations Committee of the American Institute of Architects. Two members of the Foreign Relations Section of the American Institute of Architects have accepted membership in the Architects Committee instead of establishing a separate Soviet section for the A. I. A.

The Architects Committee issues bulletins approximately twice a month which are widely circulated among American architects. These bulletins describe the activities of the Architects Committee and the latest developments in the field of Soviet architecture.

An exhibit of Soviet architecture was arranged by the Committee and shown first at Cornell University and is now being regularly exhibited in various places through the facilities of the Council.

An elaborate exhibit of American Housing and Planning is being prepared under the joint auspices of the Architects Committee and the United States Office of War Information. This exhibit will be shown in this country and then sent to the Soviet Union. The Architects Committee is planning to broaden its membership to include engineers and building materials manufacturers. The Committee will then become fully representative of all those who are anxious to promote interchange in the construction industries of the two countries with particular reference to participation of American professional architects and engineers as well as American building supplies manufacturers in the reconstruction of the Soviet Union. The Architects Committee hopes to serve as a source of technical information about the building industry in America for visiting Soviet architects and engineers, also to answer written communications from the Soviet Union in this field.

The Committee is planning to hold a conference in New York this spring in which Soviet engineeers, temporarily resident in New York City, will participate together with American engineers, architects and building supplies repre-

sentatives in panel discussions of pre-fabrication and other subjects of interest to construction people in both countries. There will also be a public dinner with prominent American and (it is hoped) Soviet speakers.

Dance Committee

Officers: Chairman, Agnes de Mille; Vice-Chairman, Paul Draper, Katherine Dunham, Martha Graham, Doris Humphrey, Katherine Sergava, Elizabeth Burchenal and George Tapps.

Executive Secretary, Helen Tamiris.

One of the first tasks of the Committee was to assemble photographs and biographical material of American dancers. This was sent in album form to the Soviet Union and a very handsome album of photographs of the Soviet Ballet inscribed to "American Dancers" was sent to this country in return. The Committee collected large numbers of dance slippers for use of Soviet dancers. Another project on the way is the collecting of American dance films to be sent to the Soviet Union.

Musicians Committee

Officers: Chairman, Dr. Serge Koussevitzky, Vice-Chairman, Aaron Copland, Mrs. Guy Patterson Gannett, Benny Goodman, Roy Harris, Andre Kostelanetz, Goddard Lieberson, Dimitri Mitropoulos, Lily Pons and Fritz Reiner.

The first project undertaken by the committee was a concert held at the National Broadcasting Company's studios in New York on July 16, 1943, attended by about 800 persons. Records were made of the performance by Benny Goodman, Teddy Wilson and his band, Morton Gould, the Golden Gate Quartet and others. These records were assembled into albums for transmittal to the Red Army. The first of the albums was presented at the Consulate reception on December 23, 1943.

As part of the national celebration of the tenth anniversary of diplomatic relations in November, 1943, Dr. Kousse-

vitzky sent a letter to leading orchestra conductors throughout the country asking that they play at a concert during November a program of American and Russian music. The following conductors responded favorably to this request:

Name of Conductor	*Orchestra*
Eugene Ormandy	Philadelphia Symphony Orchestra
Pierre Monteux	San Francisco Symphony Orchestra
Hans Kindler	National Symphony Orchestra
Vladimir Golschmann	St. Louis Symphony Orchestra
Fritz Reiner	Pittsburgh Symphony Orchestra
Morton Gould	
Andre Kostelanetz	

On two occasions, November 18th and 20th, Dr. Koussevitzky conducted special concerts of Russian music.

In certain cases a program note was inserted as suggested by Dr. Koussevitzky stating that the program was dedicated to American-Soviet friendship on the occasion of the tenth anniversary.

A reception was given by the Embassy in honor of Dr. Koussevitzky at the St. Regis Hotel, New York City, on November 20, 1943, which was attended by about fifty prominent musicians.

A meeting of 300 leading figures of the music world was held at the Hotel Astor, New York City, on May 15, 1944. Dr. Koussevitzky presided. At this meeting future plans for the committee were drawn up and an announcement was made of the appointment of a number of persons as chairmen of subcommittees as follows:

Museum Committee: to collect material for the restoration of the Tchaikovsky and Rimsky-Korsakov Museums, and create a fund to purchase literature, memorabilia, records, etc. for them.

Chairman: Herbert Weinstock - author of a recent biography of Tchaikovsky.

Research Committee: to collate information and material on Soviet music and musicians; build a reference library of Soviet music available in this country, etc.

Chairman: Dorothy Lawton - Head of the Music Division of the New York Public Library.

Popular Music Committee: to study the wealth of Soviet popular music, adapt it when necessary to American taste, and familiarize the American public with it through every means possible; and to foster the knowledge and understanding of American popular music in the Soviet Union.

Chairman: Morton Gould - well-known band leader.

At a meeting of the Music Committee in Dr. Koussevitzky's apartment in New York on February 18, 1945, it was decided that there should be four main committees namely: (1) Concert Music of which Aaron Copland will be chairman; (2) Popular Music with Morton Gould as chairman; (3) Public Relations Committee, the chairman to be selected, and (4) Education and Research which would concern itself primarily with the introduction of Soviet music into American schools and colleges, chairman to be selected. The committee on the Tchaikovsky Rimsky-Korsakov museums would also be continued.

Certain of the local councils have begun the formation of Music Committees to work in cooperation with the National Committee, notably in Detroit.

Theatre Committee

The Theatre Committee is in process of organization. The Chairman is Margaret Webster. Herman Shumlin has also interested himself in the formation of this Committee.

Science Committee

The first formal activity of the Council in the field of science consisted of the organization of the Science Congress in November, 1943, in conjunction with the Congress of American-Soviet Friendship. The Honorary Chairmen of the Science Congress were: Professors Walter B. Cannon, Ernest O. Lawrence, and Gilbert N. Lewis, American members of the Academy of Sciences of the U. S. S. R., as well as members of our own National Academy of Sciences. In addition, there were sixty-four distinguished scientists

from various parts of the country who acted as sponsors of the Congress.

The Science Congress had two panels on November 7. The Science and Technology Panel was chaired by the Nobel prize winner, Professor Harold C. Urey. There were six papers delivered during this session, plus discussion and resolutions. The second panel was on Public Health and Wartime Medicine in the U. S. S. R., chaired by Professor Walter B. Cannon and Dr. Abraham Stone. During this session there were seven papers delivered, including one by the Russian Neuro-surgeon, Vladimir Lebedenko and the Canadian surgeon, Wilder Penfield, who had recently returned from the Soviet Union, where he was a member of the medical mission.

The complete proceedings of the Science Congress have been published by the Jacques Cattell Press in a book called "Science in Soviet Russia."

The officers and Executive Committee of the Science Congress are as follows:

Honorary Chairmen: Prof. Walter B. Cannon, Prof. Gilbert N. Lewis.

Chairman: Dr. L. C. Dunn; Vice-Chairmen: Prof. Chauncey D. Leake, Prof. Leo Loeb, Prof. Wilder Penfield, Dr. Irving Langmuir, Dr. Florence R. Sabin.

Members of the Executive Committee:

Dr. Richard Bradfield
Dr. Dean Burk
Dr. Austin W. Curtis
Dr. T. Dobzhansky
Dr. Carol O. Dunbar
Dr. K. A. C. Elliott
Prof. John E. Flynn
Dr. Samuel Gelfan
Dr. Harry Grundfest
Dr. Michael Heidelberger
Col. Harold W. Jones
Dr. Charles E. Kellogg
Dr. S. Lefshetz
Dr. D. A. MacInnes
Prof. Kirtley F. Mather
Dr. A. E. Mirsky
Prof. Stuart Mudd
Dr. Mervin E. Oakes
Dr. Wm. M. Stanley
Prof. Salmen Waksman
Dr. Philip R. White
Prof. Ignace Zlotowski
Dr. Vladimir K. Zworykin

13

The Committee has been active in promoting the publication of manuscripts by Soviet scientists in American journals; the publication in American journals of abstracts of Soviet science articles appearing in Soviet journals; the micro-filming of Soviet scientific articles by the Army Medical Library; arranging for the exchange of Soviet and American periodicals in the various branches of Science; the sending of reprints and American scientific books to the Soviet Union, etc. The genetics section at Columbia is now collecting printed material to be sent to assist in the restoration of the genetics library at Kiev.

In a period of less than six months some twenty Soviet scientific manuscripts have been placed in American technical journals, a most noteworthy achievement considering the dearth of such material in American publications even before the war.

At its meeting on November 29, 1944, the Science Committee made provisions for expanding its membership and for the holding of a large Science meeting including both pure science and technology, to which it is proposed to invite Soviet scientists.

The receipt of science material from the Soviet Union both through the Science Section of VOKS and the Academy of Sciences of the U. S. S. R. has been most satisfactory. The Committee is eager to do what it can to promote the widest acquaintance of the American scientists with the periodical literature of the Soviet Union as it comes in. The Committee is also planning the publication of a periodical which will be a digest of Soviet science, as soon as plans for its financing can be arranged. The Science Committee cooperates closely with the American-Soviet Medical Society.

The Science Committee, like the Architects Committee, is also broadening its membership to include active workers in the field of engineering and applied science in industry. The work of this committee in the future should be most fruitful in stimulating scientific interchange between the two countries.

Education Committee: 14

At the November, 1943 conference held in commemoration of the tenth anniversary of American-Soviet diplomatic relations the panel meeting on Education in the U. S. A. and the U. S. S. R. passed a resolution asking that the Council establish a Committee of Educators to formulate plans for interchange of information on educational techniques and to improve and expand education about the Soviet Union in American schools and colleges.

The chairman and vice-chairmen of the Education Committee are as follows:

Chairman: Herbert Davis, President, Smith College, Vice-Chairmen: Frank E. Baker, President, Teachers College, Milwaukee, Wisconsin, Henry Pratt Fairchild, Dept. of Sociology, New York University, A. D. Henderson, President, Antioch College, Ernest O. Melby, President, Univ. of Montana, Holland D. Roberts, School of Education, Stanford University, W. Carson Ryan, Dept. of Education, University of North Carolina.

The purposes of the committee are:

1. To facilitate exchange between educators in our country and those in the Soviet Union.

2. To interest persons in charge of curriculum in schools, colleges, teacher training institutions in expanding and improving teaching being done in this country about the Soviet Union.

3. To assist them in providing accurate information particularly to students and teachers.

4. To make available what materials exist, and

5. To publish additional booklets, pamphlets, mimeographed material for school use.

Local committees of teachers and school administrators have been organized in Philadelphia, Boston, Denver, Detroit and Pittsburgh to help push this program. Among the activities of the committee are:

1. Preparation of a bibliography and list of sources from which information about the Soviet Union can be obtained. Thousands of these mimeographed bibliographies have been distributed.

2 The committee was the prime mover in organizing the Workshop on the Soviet Union held in the summer of 1944 under the joint auspices of the National Council of American-Soviet Friendship and the Harvard Graduate School of Education. This Workshop produced a study outline for use in secondary schools.

3. Cooperating with the Women's Council for Books in Wartime in the collection of children's books to be sent to the Soviet Union.

4 Three conferences on education about the Soviet Union have been held in Philadelphia, New York and Boston. All were well attended by teachers and school administrators. Among the speakers at the New York conference, October 14, 1944, were:

Howard E. Wilson of the Harvard Graduate School of Education, Eduard Lindeman of the New York School of Social Work, Frank E. Baker, President, Teachers College, Milwaukee, Wisconsin.

5. The committee has made a survey, on a small scale, of courses being given on the Soviet Union and is trying to stimulate interest in planning of other intensive courses similar to those given at Cornell.

Other things which the committee hopes to accomplish are to finance a survey of material regarding the Soviet Union now in our schools as a basis for improvement and correction and to issue a monthly bulletin containing materials about education in the Soviet Union, etc.

Committee of Women

The Committee of Women was formed as a result of the interest taken in the Women's Panel of the November, 1943,

Congress. The Committee of Women was launched at a meeting in Carnegie Hall, March 6, 1944. The officers of the committee are as-follows:

National Honorary Chairman: Mrs. Joseph E. Davies, Chairman, New York Committee, Muriel Draper, Vice-Chairman, Elinor S. Gimbel, Secretary Thelma Nurenberg.

Activities of the committee to date include:

1. Sending of a model exhibit of clothing and furniture for the pre-school child to the Soviet Union. The exhibit was donated by leading manufacturers in conjunction with James McCreery and Company and was on exhibit in the McCreery Company's Fifth Avenue windows from July 7th to July 14, 1944. The exhibit was subsequently sent to the Soviet Union to be exhibited under the auspices of the Women's Antifascist Committee and later to be permanently housed in the Mother and Child Institute in Moscow. The exhibit was formally presented to the Soviet Union at a cermony in the Soviet Consulate on July 6, 1944.

2. A Mother and Child Care Library has been assembled and sent to the Soviet Union consisting of pamphlets, books, radio scripts and monographs on infant and child care.

3. A conference on "Women of the U. S. A. and the U. S. S. R. in the Post-War World" was held in New York on November 18, 1944, and included panel and luncheon discussions on such subjects as: The Child Care Program of the U. S. S. R. The Child in the Post-War World. Family Relationships. American-Soviet Interchange in Child Care Developments. Women's Role in the Post-War World. 16

Among the speakers at this conference were: Dr. Arnold Gesell, Director, Clinic of Child Development, Yale University School of Medicine; Mrs. Joseph E. Davies; Mme. Andrei A. Gromyko; Dr. Anna E. Chernysheva, Chief of Medical Section of Chemical Department of the Government Purchasing Commission of the U.S.S.R.; Jessica Smith,

Editor of Soviet Russia Today; Mrs. J. Borden Harriman; Dr. Charlotte Hawkins Brown; Helen Keller; Lillian Smith.

4. A series of seven forum meetings on Women in the U.S.A. and the U.S.S.R. was inaugurated in January, 1945, in New York City.

The basic purposes of the Committee of Women include publicizing as widely as possible peacetime and wartime achievements of the women of the Soviet Union through an educational program about their methods of child care, their family and social relationships, the experiences of Soviet women in the many fields of work they have entered and their heroic exploits in the war, and also to promote in practical ways fruitful interchange between the women of the two countries in matters in which they can be mutually helpful.

Local Councils

Local Councils of American-Soviet Friendship have been established and are now functioning in 32 cities of the United States, as follows:

Mobile, Alabama
San Francisco, California
Menlo Park, California
Denver, Colorado
Bridgeport, Connecticut
Jacksonville, Florida
Miami, Florida
Tampa, Florida
Chicago, Illinois
New Orleans, Louisiana
Portland, Maine
Baltimore, Maryland
Boston, Massachusetts
Springfield, Massachusetts
Ann Arbor, Michigan
Detroit, Michigan
Minneapolis, Minnesota
Asbury Park, New Jersey
Lakewood, New Jersey
New Brunswick, New Jersey
Paterson, New Jersey
Trenton, New Jersey
Buffalo, New York
Cleveland, Ohio
Toledo, Ohio
Youngstown, Ohio
Portland, Oregon
Philadelphia, Pennsylvania
Pittsburgh, Pennsylvania
Seattle, Washington
Madison, Wisconsin
Milwaukee, Wisconsin

17

Great impetus to the growth of these councils was given at the time of the celebrations in 1943 of the Tenth Anniversary of diplomatic relations between the U.S.A. and the U.S.S.R. During this period (November and December, 1943) some 50 cities held meetings and other functions. Approximately 25 cities held such observances during the anniversary period of November, 1944.

The activities of the local councils have been described in the Bulletins issued by the National office. In general these councils carry on activities similar to those of the National Council including speakers' bureaus, exhibits and photographs, dissemination of literature, etc. The local councils have been active in the promotion of Soviet films. Certain specific activities are mentioned below:

Russia Book Week (May 1 through May 6, 1944) sponsored by the American Library Association and the Office of War Information gave opportunity for effective work with new localities and groups. A special kit of ten photographs and background material was prepared and sent to 150 places for exhibit purposes by the National Council. All posters, books and other materials of the Exhibit Department of the National Council were on loan during this period.

Typical of local council activities was the Cleveland Council's program, during Russia Book Week, which included:

A program of Soviet films at Cleveland Public Library in cooperation with the Film Bureau of the Public Library. Exhibit of books (including Council publications) photographs and Red Army uniforms in the Main Library. Book and photographic exhibits in the branch libraries and three bookstores. Assembly programs and exhibits in several schools. One elementary school arranged full week's program as follows:

Monday: A program of Soviet films; in the morning the students prepared and mounted exhibits, including kit of ten photographs provided by the National Council.

Tuesday: Upper grades dramatized Russian folk tales before lower grades assembly.

Wednesday: Local high school orchestra presented a program of Russian music, songs and dances at a special assembly.

Thursday: Council speaker addressed upper grades assembly on Children in the U.S.S.R.

Friday: Special classroom programs on "Geography of the U.S.S.R." and "What the Soviet Union Has Accomplished." 18

Book reviewers were sent to civic organizations by the Council office and the Public Library Speakers' Bureau.

Approximately twelve radio broadcasts were held throughout the country, including one national hook-up with Prof. John T. Frederick.

Feature stories were sent out from the National office and placed through local councils.

Displays in book shops, in book departments of department stores, such as R. H. Macy's in New York, and in libraries were among the many forms of activities.

A statement by Archibald MacLeish, then Librarian of the Library of Congress was obtained by the National Council and received wide publicity.

As a result of a cable received from Moscow, local councils appealed to Youth Organizations for greetings to the third meeting of the Soviet Youth Antifascist Committee in Moscow on May 21, 1944. More than a score of councils responded. Mayor LaGuardia of New York gave a reception for Captain Orest Shevtsov and 25 Youth leaders.

"Russia and Post-War Markets" was the subject of a very successful businessmen's dinner organized by the Massachusetts Council. Mr. E. C. Ropes, Russian specialist of the U. S. Department of Commerce and Mr. M. M. Gousev, President of the Amtorg Trading Corporation were the principal speakers. Over 150 representatives of leading industrial concerns in New England attended this

dinner which received broad sponsorship from banking and business interests.

Meetings by many local councils were held not only in connection with the celebrations of the tenth anniversary of the establishment of diplomatic relations between the U.S.A. and the U.S.S.R., but also Red Army Day, Women's International Day and the Anniversary of the Nazi invasion of the Soviet Union.

Local councils have been increasingly successful in placing 15 minute radio programs.

. . . . . .

Defendant's Exhibit No. 4.

FACTS ABOUT OUR SOVIET ALLY.

. . . . . .

The distance from Moscow to Vladivostok is a little more than the distance between Moscow and New York. The Soviet people are our near neighbors in the North. In the winter time, when the Bering Sea freezes, it is only a two mile walk from Big Diomede Island, belonging to the U.S.S.R., and Little Diomede Island which belongs to continental United States. 2

. . . . . .

The Soviet Union considers schools so important that classes are held even in cities under gunfire. Since the outbreak of war, studies have been intensified. Even in 1943 there were great athletic contests in Moscow with more people taking part than ever before. The wide thoroughfares of Moscow became running tracks; the whole city an enormous stadium. Races were staged in Leningrad just after it was liberated from siege. Sports are being used to steel the people for battle just as in peace time they prepared them for healthy labor. 7

. . . . . .

We in the United States want to learn more about our friends and allies in the Soviet Union. We know 8

that after we have won the war that we are fighting together we will work side by side to build a peaceful world.

• • • • • • • • • • •

Defendant's Exhibit No. 5.

Vol. I, No. 2 September-October 1945

BULLETIN OF THE COMMITTEE ON EDUCATION

• • • • • • • • • • •

WHAT DO HIGH SCHOOL SENIORS KNOW ABOUT THE SOVIET UNION? 2

A Report of a Thesis now in Preparation.

RICHARD W. BURKHARDT,

Dual Instructor in Citizenship and Education,
Syracuse University.

• • • • • • • • • • •

A positive and specific attack upon the problem of teaching international cooperation is to examine the American position in relation to any one nation and to explore the avenues which will lead to understanding. Many observers indicate that the future of the world depends upon the independent actions of the inter-action between the United States and the Soviet Union. In all probability the first problem in international relations is American-Soviet affairs.

• • • • • • • • • • •

In order to meet the challenge of international understanding, we must accurately assess our present 3
equipment. In a survey made in October, 1944, Professor Warren B. Walsh found that "the attitude of the American people towards Russia reflects feelings more than facts. Only one American in ten is even reasonably well-informed about the Soviet Union. The degree to which Americans are willing to trust the Soviet Union, and the degree to which they believe that cooperation between the United States and Russia is possible, depends upon the amount of

factual information they possess: "the more information, the greater trust."

. . . . . .

An understanding of the Soviet Union is a prime 12
essential in the interest of international peace. However, there is a divergence of opinion as to the means by which such understanding may be acquired. The above articles on Russian studies by Dr. Somerville and Dr. Van Doren show agreement in objectives but a difference in approach.

. . . . . .

Defendant's Exhibit No. 8.

ORGANIZED LABOR IN THE SOVIET UNION.

By Edwin S. Smith.

. . . . . .

INTRODUCTION. 5

The National Council of American-Soviet Friendship believes it highly important that there should be the closest possible collaboration among the trade unions of the United States, Great Britain, the Soviet Union and the other United Nations. We think such Allied Labor unity will speed victory over Hitler and have an equally important effect in shaping the peace and the kind of world that is to follow the war.

The National Council of American-Soviet Friendship exists in order to increase good-will, understanding and unity for the war effort and afterwards among all categories of persons in the Soviet Union and corresponding groups in our own country. Such good will, understanding and unit is greatly needed among the industrial workers of these two countries because on their shoulders rests the responsibility for making the materials which will be used to crush our common enemy, Hitler.

. . . . . .

Defendant's Exhibit No. 10.

INSIDE LIBERATED POLAND.

By Anna Louise Strong.

. . . . . .

INTRODUCTION. 4

. . . . . .

The Crimea decisions have cleared the air on the 5
Polish issue. However, there are still groups trying to keep it alive with the hope of utilizing it to undermine the Crimea accord, and to prevent the organization at San Francisco of a workable world security organization.

For this reason we are very glad to present this pamphlet, which is the work of a first-hand observer of the process of cerating a new and democratic Polish state in the areas now administered by the Provisional Government. It is avivid and intimate story of present-day Poland, of the concrete achievements and idealistic hopes of the Polish people now freed of the terrible Nazi yoke.

As a contribution to American understanding of the Polish question, Anna Louise Strong's eye-witess account should have an important influence in dissolving many false impressions. There emerges from its pages of varied anecdote and description a picture of a rejuvenated Poland friendly to the Soviet Union and the other United Nations and passionately and intelligently devoted to the accomplishment of democratic objectives.

EDWIN S. SMITH,
Executive Director,
National Council of American-Soviet Friendship.

. . . . . .

Representatives of four political parties gave the 8
reasons why it was expedient to declare a provisional government, stating that the Rada contains leaders from all sections of the Polish people and has public backing and strength.

My eight weeks of touring liberated Poland enables me to supplement this claim by a few notes on deputies I met. For instance, Spychalski, chief of city planning in Warsaw before the war, assisted in organizing the Warsaw resistance in 1939, then he went underground. He organized the first group of the partisans who later became the Peoples' Army. He handled the technical organization of the famous secret meeting of the Rada which one year before had launched the organization now constituting the government. Spychalski, a dynamo of energy, is now Mayor of Warsaw and Praga.

In vivid contrast is Father Borovets, a priest who is also a Chairman of the Rada of the Rzeszov Voyevodstvo—in other words, chief of the legislative government of a fair-sized state. Before the war he was an important organizer of the peasant's movement. During the war he helped the Polish underground. During the organization of the land reform he visited each village personally, helping to infuse order and common sense into the new land distribution.

• • • • • • • • • •

THE WORKERS SAVE THE MACHINES. 33

The Zamoscie power plant today functions because the workers hid the most valuable equipment, so the Germans could not take it away. The large Stalowa Wola steel and munitions works has begun operating because the workers dropped all the finest precision machinery into barrels of oil which they buried deep underground, both saving and protecting it against rust. In the Lublin shoe factory all the sewing machines were apparently looted on the final day of disorganization. But when the trade union started inquiries, practically all turned up in the homes of workers who merely had taken them to prepare for any future eventualities.

• • • • • • • • • •

It was not only in Lublin that I felt the undying 47
spirit that is Poland. But there at the free front in

that battered fifth of Warsaw whose factories were in ruins, whose men were dead or slaves, whose houses fell daily under shelling, whose women and old men organized citizens committees to maintain order, cleared the streets of debris, hauled water from wells, brought in potatoes from the countryside, sent their children to school—it was there in that broken piece of city that I knew Poland could never die.

. . . . . .

Defendant's Exhibit No. 12.

THE BALTIC SOVIET REPUBLICS.

. . . . . .

INTRODUCTION, 5

By Frederick L. Schuman.

Among all the freedoms for which World War II is being fought, freedom from prejudice and ignorance is paramount, for without it all other freedoms will ultimately be lost. In presenting to the American public this condensed version of Gregory Meiksins' illuminating book, "The Baltic Riddle," the National Council of American-Soviet Friendship has performed a real service to the cause of understanding and unity among the United Nations. The Baltic Republics of Estonia, Latvia and Lithuania will soon be liberated by the Red Army and reunited to the Soviet Union. These events will doubtless be greeted in certain circles in the United States by floods of crocodile tears and by bitter denunciations of "Red Imperialism." The professional promoters of discord and suspicion within the Anglo-American-Soviet coalition may succeed in confusing millions of well-meaning citizens who do not know the facts of the past and present and will therefore have no means of understanding the future. The following pages tell the unknown story of the Baltic peoples. Those who read them will evaluate coming events in the light of realities rather than of fictions.

. . . . . .

Defendant's Exhibit No. 13.

"We Will Join Hands With Russia".

. . . . . .

Excerpts From Speech of 15

James M. Tunnell,

United States Senator from Delaware.

. . . . . .

Let us prove that democracy can work, that de- 19
mocracy can succeed when it is attacked by great military powers. Let us prove that the theory that all power is in the people themselves is not a mistaken one. For, after all, fellow Americans, we are winning this war. We shall wipe out totalitarianism as a threat to the freedom of the world. We shall establish some protection against a recurrence of World War No. 1 and World War No. 2. We shall prevent World War No. 3 for which American critics are laying the foundation. There must be a protection to all nations, great and small, against the encroachment of ambitious men in controlling great military power.

However, the future of each individual nation, including our own, the independence of each nation, including Poland, the Soviet Union, Great Britain, France, Italy and Germany, is bound up with a policy of collaboration with the United Nations in their plans to form a post-war world which will guarantee to nations large and small the freedom longed for by the citizens of those nations, which will remove from each individual nation the menace of aggression, and place the responsibility for its conquest upon a post-war organization sponsored and fortified by the determination and the governments of all freedom-loving people, whether their nation is large or small.

. . . . . .

Defendant's Exhibit No. 14.

HARVARD WORKSHOP SERIES: No. 6.

MEET THE SOVIET RUSSIANS.

. . . . . .

PREFACE. iii

. . . . . .

The bulletin is an outgrowth of the 1944 Summer iv
Session of the Harvard Workshop in the Social Studies. One section of the Workshop, which was made possible by the aid of the National Council of American-Soviet Friendship, was focused on the Soviet Union in the network of modern international relations. Dr. Corliss Lamont and Dr. Dorothy Douglas directed this section of the Workshop, working in full cooperation with other staff members representing fields of professional education. A group of teachers participating in the program under their leadership prepared the manuscript of this bulletin; their names appear here as authors; to them the Harvard Workshop is deeply indebted.

Their manuscript is here made available to teachers in the firm conviction that the area of study in which they have pioneered is of marked significance in the adaptation of education to the needs of our times. Their document is not a propaganda plea; it is an effort to place facts before teachers in an educationally useful format. It is the hope of the Harvard Workshop that this bulletin will provide both a service and a stimulus to further work on the part of American teachers.

HOWARD E. WILSON,
Harvard Graduate School of Education.

. . . . . .

SELECTED ANNOTATED BIBLIOGRAPHY. 77

Although, at present, text materials on the Soviet Union for school use are limited, reading matter on the subject

is extensive and constantly growing. The following book list is necessarily merely suggestive.

Objectivity in writing concerning Soviet Russia is not easy of achievement; all authors, it may be understood, are expressing a point of view. Because of changing conditions in the Soviet Union, dates of publication are of special significance.

* * * * * * * * * * *

PAMPHLETS. 85

"Baltic Soviet Republics, The," National Council of American-Soviet Friendship, N. Y., 1944. $.10

Brody, Alter, "Behind the Polish-Soviet Break," Soviet Russia Today, 114 E. 32 St., N. Y. $.10

"Constitution of the U.S.S.R.," National Council of American-Soviet Friendship, N. Y. $.10

Dana, Henry Wadsworth Longfellow, "Drama in Wartime Russia," National Council of American-Soviet Friendship, N. Y. $.15

Dean, Vera Micheles, "Russia at War," Foreign Policy Association, N. Y., 1942. $.25.

"Education and Youth in Wartime in the U. S. and the U.S.S.R.," 1943, National Council of American-Soviet Friendship, N. Y., 1943. $.10

"Family of Nations: The Soviet Union," National Council of American-Soviet Friendship, N. Y. $.10.

Lamont, Corliss, "Soviet Russia and the Post-War World," National Council of American-Soviet Friendship, N. Y. $.05.

———, "Soviet Russia versus Nazi Germany," National Council of American-Soviet Friendship, N. Y., 1942. $.10.

Maurer, Rose, "Soviet Children and Their Care," National Council of American-Soviet Friendship, N. Y. $.10.

———, "Soviet Health Care in Peace and War," American Russian Institute, N. Y., 1943. $.10.

Smith, Edwin S., "Organized Labor in the Soviet Union," National Council of American-Soviet Friendship, N. Y., 1943. $.10.

Stalin, Joseph, "New Soviet Constitution," International Publishers, 381 Fourth Ave., N. Y., 1943.

———, "War of National Liberation," International Publishers, 381 Fourth Ave., N. Y., 1943.

———, and Molotov, V. M., "In Praise of Learning," International Publishers, 381 Fourth Ave., New York, 1938. $.05.

"U.S.S.R. at War, 1943, 50 Questions and 50 Answers," American Russian Institute, Inc., 58 Park Avenue, N. Y. $.10.

"World's Fair Pamphlets" (Published by the Foreign Languages House, Moscow, 1939). $.10 each.

Zetkin, Clara, "Lenin on the Woman Question," International Publishers, 381 Fourth Ave., N. Y., 1934. $.10.

. . . . . .

MAGAZINES. 86

. . . . . .

Other Bibliographies.

Simmons, Ernest J., "Intensive Study of Contemporary Russian Civilization." Final Report, Cornell University, Ithaca, N. Y., 1943.

"Sources of Teaching Materials and Bibliography for Teachers and Students," National Council of American-Soviet Friendship, Inc., 232 Madison Ave., N. Y.

"Soviet Union Today, An Outline Study," American Russian Institute, Inc., 58 Park Avenue, N. Y., 1943.

Williams, Albert Rhys, "The Soviets," Harcourt Brace and Co., N. Y., 1937. Pp. 526-540.

VISUAL AIDS.

Films.

Boston University Film Service has several films on Soviet Russia.

Brandon Films, 1600 Broadway, N. Y., is the best single source for films about the Soviet Union. Their folder de-

scribes available titles, number of minutes required for projection, and cost.

British Information Services, The Film Division, Rockefeller Plaza, N. Y., has British films about the Soviet Union.

National Council of American-Soviet Friendship, Inc., has a folder called "See the Soviet Union in Exhibits and Films," describing those available for school showings.

New York University Film Library lists several films on the Soviet Union.

Visual Education Film Service, 131 Clarendon Street, Boston, has films on the U.S.S.R.

* * * * * * * * * * *

Exhibits, Photographs, Slides, Water Colors, Cartoons. 87

American Russian Institute has picture postcards of the U.S.S.R., 16 postcards, .05.

East and West Association, Publication Division, 40 East 49th St., N. Y., has a portfolio of photographs 8½" x 11", well mounted, with accompanying text: "Life of a Family in Russia," .50.

"Inside Russia," a picture digest by Leverett S. Gleason, 114 East 32d Street, N. Y., contains 130 pages of pictures 5" x 7" from International News Photos, Press Association and Sovfoto, per copy, .25.

"Life," March 29, 1943. A well-illustrated issue on Soviet Russia.

National Council of American-Soviet Friendship, Inc., has:

Exhibits, loaned for a small fee; list sent on request. Photographs of all phases of Soviet life. Example: 32 pictures 6" x 8" depicting landscapes, peoples, agriculture, industry.

Book illustrations from Soviet books.

Cartoons.

Picture postcards of the U.S.S.R., 16 postcards, .05.

Slides, large assortment, showing various aspects of life in the Soviet Union; may be borrowed for a small fee; set of 50, 1.00.

Original water colors by Soviet children.

Books for children published in the Soviet Union (in Russian).

Russian War Relief has "A Pictured Story of the Soviets," sheets of pictures, 17" x 22" each, supplemented with explanatory text. A series of six is planned, of which the first, "Industry in the U.S.S.R.," is ready.

Folio of twelve Soviet Photo-Prints 14" x 20" by Margaret Bourke-White: 1. "Machine Dance"; 2. "Soviet Babies"; 3. "Stalin's Great Aunt"; 4. "Shock Brigadier"; 5. "Medical Students"; 6. "Blast Furnace: Magnitogorsk"; 7. "Mtskhet: Caucasus"; 8. "Village in the Urals"; 9. "Col. Cooper at Dnieper Dam"; 10. "Soviet Bricklayer"; 11. "Children's Clinic: Moscow"; 12. "Street Car Conductor."

* * * * * * * * * *

MINIMUM KIT OF ESSENTIAL TEACHING MATERIALS 88

Books

Duranty, Walter, USSR: "The Story of Soviet Russia," J. B. Lippincott Co., N. Y., 1944. $3.00.

Mikhailov, Nicolas, "Land of the Soviets," Lee Furman, Inc., N. Y. 1939. $2.50.

"Soviet Union Today, an Outline Study," American Russian Institute, N. Y., 1943. $1.00.

Stewart, Marguerite Ann, "Land of the Soviets," Webster Publishing Co., St. Louis, Missouri, 1942. $.40.

Williams, Albert Rhys, "The Soviets," Harcourt, Brace and Co., N. Y., 1937. $2.00.

Pamphlet

"Constitution of the U.S.S.R., National Council of American-Soviet Friendship, N. Y. $.10.

Magazines

"American Sociological Review," June, 1944, American Sociological Society, Menasha, Wisconsin. $1.00.

"Survey Graphic," February, 1944, Survey Associates, Inc., N. Y. $.50.

Maps

Goodall, George (ed.), "Soviet Russia in Maps," Denoyer-Geppert Co., Chicago, Illinois, 1942. $1.00.

"Map of the U.S.S.R.," Soviet Russia Today, 114 E. 32nd Street N. Y. Wall map. $.50.

Stembridge, Jasper H., "An Atlas of the U.S.S.R.," Oxford University Press, N. Y., 1942. $.10.

. . . . . .

Defendant's Exhibit No. 15.

PROCEEDINGS OF CONFERENCE ON EDUCATION ABOUT THE SOVIET UNION.

. . . . . .

INTRODUCTION 1

Herbert Davis

Pres. Davis was introduced by Edwin S. Smith, Executive Director of the National Council of American-Soviet Friendship.

The committee on education was formed as a result of a demand made at a panel discussion held a year ago in this city on "Education and Youth in Wartime in the United States and the U.S.S.R." Our main purpose in calling this conference is to bring together representatives from schools, colleges and universities, to consider what is now being done and what further should be done, to provide this country with fuller knowledge about the Soviet Union. We are concerned with what can be done through our educational system.

. . . . . .

Frederick Ernst, Associate Superintendent, in charge of New York High Schools: 14

Superintendent Wade was unable to get back to town in time to be with you, and he asked me to come here and give the brief message that he had intended to deliver concerning the status of teaching about Russia in the school curriculum. I'll try to give the message in my own way, and in thinking of it I'm reminded of a story told of Margaret Fuller.

Some years ago, she approached the aging Carlisle, the historian, and she said to him, very ecstatically, "Mr. Carlisle, I accept the universe."

The aged philosopher turned to her and said, "Woman, you better."

Now it seems to me that we better accept Russia as part of the curriculum of any American school.

If it isn't in some schools as part of the curriculum, it's in the curriculum outside of school. Because it is a great inescapable fact. To me, there is no question about that at all.

I think the great problem, as was intimated by Mr. Lamont, is not whether we shall teach Soviet Russia; I think the problem is what shall be the quality of teaching, what shall be the spirit that infuses it.

I think they have to be based on our purposes as a people. The objectives of the class-room teaching must carry out our purposes as a nation. We talk a lot about "one world", a new world, a better world, a free world, a world of understanding, a world of cooperation. We hear these things everywhere; we read them everywhere. And, if we are in earnest, and I think we are, then those purposes must get into the class-room, if the schools and the teachers are to do their duty.

. . . . . .

Defendant's Exhibit No. 20.

SOVIET RUSSIA AND THE POST-WAR WORLD.

By Corliss Lamont.

. . . . . .

The most dangerous threat to final victory over Hitler and Hirohito and to an enduring international peace is distrust and disunity among the United Nations. It is imperative that we in the United States make every effort to understand our associates in the Second World War, whether our British, our Chinese, our Soviet or our South American allies are concerned. We have the moral and intellectual obligation of trying our best to iron out whatever fundamental causes of friction may stand between us and them. Only in this spirit can we Americans do our full part in seeing to it that the United Nations maintain unity for victory and unity after victory.

There is no more vital problem affecting the success of the United Nations both in war and in peace than that of American-Soviet relations. Fortunately during the course of the war relations between the United States and the Soviet Union have steadily grown closer and better, the culmination of this development having taken place with the Moscow Conference in October, 1943, and Teheran Conference in December.

. . . . . .

I hope that I have made plain the fundamental, deep-reaching issues upon which the Soviet Union, America and the other United Nations can collaborate in the field of international relations. The system of permanent peace and collective security to which mankind aspires, the promise of Teheran, cannot possibly come to pass if the unhappy split of former years again takes place between Russia and the western democracies. And a foundation stone in that system will necessarily be close cooperation between the U. S. A. and the U.S.S.R. in both Europe and Asia.

Such cooperation can be supported wholeheartedly by any American, regardless of his position on domestic issues in the United States or Soviet Russia. Internal problems of economics, politics, philosophy and whatnot are either secondary or irrelevant to working with the Soviet Union for the great ends of world peace, collective security, the self-determination of peoples, flourishing international trade and disarmament.

• • • • • • • • • • •

Defendant's Exhibit No. 21.

AMERICA AND RUSSIA.

By Corliss Lamont.

• • • • • • • • • • •

It is essential that the American people understand that our friendship with the Soviet Union stems from far deeper sources than the formal act of establishing diplomatic relations. Our common enmity to fascism today is not the result of any chance interplay of forces. It is the living expression of the basic community of our interests, which are inextricably woven together by considerations of geography, history and the common goal of freedom toward which our peoples march.

• • • • • • • • • • •

In furtherance of this aim, in which we invite you to join us, the National Council of American-Soviet Friendship conceives its main task to be to spread information about the Soviet Union and an acquaintance with its culture, as a basis on which a friendship of mutual understanding can be realized. With such understanding our two peoples, along with those of Great Britain, China and all other freedom loving peoples, may together establish the world-wide democracy and enduring peace which is humanity's greatest need.

• • • • • • • • • • •

Defendant's Exhibit No. 22.

U. S. A.—U. S. S. R.

* * * * * * * * * *

INTRODUCTION 3

The Second Congress of American-Soviet Friendship, held in New York City, November 6-8, not only commemorated the ten years of American-Soviet relations already concluded, but signalized the opening of a new era in American-Soviet friendship.

* * * * * * * * * *

The importance of the Second Congress lay in the growth it registered during the year that has passed, the extension of this awareness to every section of the American people, its merging at last with the official policy of our government to the point where American-Soviet Friendship has become indeed the key not only to shortening the war, but to that continued cooperation of all the freedom-loving peoples which alone can guarantee enduring peace and worldwide democracy. This was possible because last year's Congress laid the basis for the formation of a permanent national organization, the National Council of American-Soviet Friendship, launched in January, 1943, under whose auspices the present Congress was held.

* * * * * * * * * *

President Roosevelt, who had the wisdom and foresight to take steps to establish diplomatic relations with the Soviet Union soon after his inauguration, understood from the beginning that this war must be waged in the closest possible cooperation with our Soviet ally and that this cooperation must be continued and strengthened in the post-war world. Powerful elements opposed this policy, endangering the whole course of the war. It was necessary that the American people should be made to understand this and be given a medium to express their friendship for and deepen their understanding of the Soviet

Union, in order to strengthen the Administration's hand against these internal enemies of our country. This was the task the National Council of American-Soviet Friendship set itself during the past year.

* * * * * * * * * *

Defendant's Exhibit No. 23.

LABOR'S STAKE IN AMERICAN-SOVIET FRIENDSHIP.

* * * * * * * * * *

INTRODUCTION 3

* * * * * * * * * *

This pamphlet, which contains the speeches and resolutions of the Panel, will, we hope, be of assist- 4
ance in bringing nearer the achievement of actual cooperation with the Soviet trade unions in the common task of winning the war and achieving lasting peace. Included also in this pamphlet are the texts of the speeches delivered by William Green and R. J. Thomas at the Madison Square Garden meeting of the Congress of American-Soviet Friendship.

EDWIN S. SMITH,
Executive Director, National Council of American-Soviet Friendship

* * * * * * * * * *

Greeting from 5

WILLIAM GREEN
President, American Federation of Labor

I regard the work and service of the Congress of American-Soviet Friendship as of tremendous importance and most valuable. The Congress has rendered distinct service in the promotion of understanding and cooperation between the people of the United States and Soviet Russia.

I heartily endorse the work of the Congress because I regard it as an instrumentality through which cooperation

may be developed to a point of maximum efficiency between the government of the United States and that of Soviet Russia in the prosecution of the war and in the settlement of post-war problems.

• • • • • • • • • • •

Speech of 39

WILLIAM GREEN

President, American Federation of Labor, before a Mass Meeting at Madison Square Garden, November 8, 1943, under the auspices of the National Council of American-Soviet Friendship.

Within the last week the Nazi cause sustained two crushing, devastating blows from which it can never recover. The first blow was reflected in the overwhelming defeat of the Germans at Kiev by the Russian armies. This must be accepted as the greatest military disaster sustained by the German armies since Stalingrad. The second blow struck at the very vital center of German morale through the announcement of the Four-Power Pact at Moscow. This was the greatest diplomatic victory achieved by the United Nations since the war began.

• • • • • • • • • • •

Ever since the tide of war turned in favor of the 40
United Nations, mysterious efforts have been made to divide the United Nations and to create suspicion and ill-feeling between America and Soviet Russia. However, devotion to a common cause and faith in the honesty and integrity of the sovereign nations who are united against Nazism and fascism served to hold and maintain the bonds of friendship and understanding between our Allies. The sacred pledge solemnly made by the representatives of Russia, Great Britain, the United States and their Allies that they would stand together in a common cause until Hitler and his confederates were decisively defeated served as an

answer to those who through the circulation of vicious propaganda sought to divide and conquer.

• • • • • • • • • • •

Despite these unchallengable facts, misunder- 41
standings persisted. But now, the Moscow Conference, with the splendid agreement reached there by America, Russia, Britain and China, has blasted the enemy propaganda to bits and silenced it for all time.

• • • • • • • • • • •

Defendant's Exhibit No. 24.

DRAMA IN WARTIME RUSSIA.

Henry Wadsworth Longfellow Dana.

• • • • • • • • • • •

A publication of 2

THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

Purpose: To promote better understanding and strengthen friendly relations between the United States and the Soviet Union as essential to the winning of the war, and the establishment of world-wide democracy and enduring peace.

• • • • • • • • • • •

CONTENTS. 3

The Soviet Theatre At War 5

The Soviet Theatre Becomes a Weapon • War Comes to the Theatres • "A Platform and a Passion" • The Theatres Go to War • The Bolshoi Theatre • Ballerinas On Their Toes • Front Line Actors • How An Actor Bought A Tank.

From the Present To The Past 13

The Range of the Plays • Plays About Earlier Invasions of Russia • From Alexander Nevski To Peter The Great •

Suvorov And Kutuzov • Old Heroes And New • Plays Against Fascist Aggression • Preparations For Defense.

Moscow Theatres In The War 22

The Calm Before The Storm • "On The Eve" • The Siege Of Moscow • The Death Of Afinogenov • Messages From Moscow • Plays About Besieged Moscow.

The Siege Of Leningrad 28

As War Came To Leningrad • A Citizen Of Leningrad • "The House On The Hill" • Plays About Leningrad Under Siege • "The Smoke Of The Fatherland" • Leonov's "Invasion" • "Ruza Forest".

In The Ukraine 36

Plays About The Partisans • "On The Ukrainian Steppes" • Korneichuk's Play "The Front" • Other War Plays.

A New Playwright 40

Constantine Simonov • "The Russian People" • "Wait For Me".

The Theatre International 44

Plays Of The United Nations • The War Of Liberation.

• • • • • • • • • • •

The Soviet Theatre at War 5

There was an old Russian proverb saying: "When the guns begin to speak, the Muses must be silent!"

In the Soviet Union today, however, this is no longer true. Shostakovich, composing his Seventh Symphony in the midst of the terrific siege of Leningrad, cries out: "Let music be heard together with the guns!"

What is true of music is true of drama. Drama is heard together with the guns. Even during the most powerful and ruthless invasion of all history, there is no blackout of the arts in the Soviet Union. All the arts of the theatre

contribute to the strengthening of that civilian and military morale of the Russian people which has gradually won the admiration of the other United Nations and has become the despair of the Nazi armies which expected so quickly to conquer Russia. In order to understand the secret of the success of Russian resistance it is necessary to realize how culture—and above all the theatre—has become a part of the life of the people.

. . . . . .

Defendant's Exhibit No. 25.

A FAMILY OF NATIONS.

. . . . . .

What constitutes a great nation? Great manpower, yes, Great material and industrial resources, yes. But more than these, the essential element of greatness lies in the ideals which inspire and unite a nation.

In developing our understanding of and closer friendship with the Soviet Union, it is important that we in America try to understand that country's ideals. The one which in my opinion, has most significance for us, especially right now—is that of democracy among peoples of different race, color, creed and nationality. . . .

Democracy among all peoples regardless of race, creed, color or nationality is something that the Soviet people have achieved in practice. And it represents one of the greatest of all the many achievements of the Soviet Union in its 28 years of history.

This magnificent history of Soviet achievement in the advancement and complete national integration of minority and former colonial peoples has particular importance for us today.

—PAUL ROBESON at American-Soviet Friendship Rally
In Madison Square Garden, N. Y. C., Nov. 14, 1945

. . . . . .

In the Soviet Union, the people of many nationalities live together in complete equality. Besides the Russians, there are scores of other nationalities living in the Soviet Union—Ukranians, Byelorussians, Poles, Lithuanians, Jews, Estonians, Armenians, Georgians, Tadzhiks, Tatars, Mongolians, Kazakhs, Uzbeks, and many others.

. . . . . .

Defendant's Exhibit No. 26.

ORGANIZED LABOR IN THE SOVIET UNION.

By Edwin S. Smith.

. . . . . .

The National Council of American-Soviet Friendship believes it highly important that there should be the closest possible collaboration among the trade unions of the United States, Great Britain, the Soviet Union and the other United Nations. We think such Allied Labor unity will speed victory over Hitler and have an equally important effect in shaping the peace and the kind of world that is to follow the war. As an immediate consequence of Anglo-American-Soviet trade union unity, one can imagine what increases of production in the three countries would accompany a constant interchange of information among their labor movements. One can equally well imagine the enthusiasm for the war effort that would follow the actual exchange of visits by labor leaders.

The National Council of American-Soviet Friendship exists in order to increase good-will, understanding and unity for the war effort and afterwards among all categories of persons in the Soviet Union and corresponding groups in our own country. Such good will, understanding and unity is needed most among the industrial workers of these two countries because on their shoulders rests the responsibility for making the materials which will be used to crush our common enemy, Hitler.

. . . . . .

Defendant's Exhibit No. 27.

ORGANIZED LABOR IN THE SOVIET UNION.

By Edwin S. Smith.

* * * * * * * * * *

INTRODUCTION TO SECOND EDITION 9

Two facts give the movement for allied labor unity the greatest immediate importance. 1. The conclusion of the Moscow and Tehran agreements makes it imperative that every element of our population, including labor express wholehearted support of these documents, whose consequences for the war and for the future of the world are of such tremendous importance. American labor can only realistically express its support of the Moscow and Tehran agreements by joining with the labor movements of the other United Nations to demand that they be given full effect and not be allowed to become unfulfilled promises. 2. The General Council of the British Trades Union Congress has issued invitations to the labor organizations of the United States to take part in a conference in London in June, 1944, of the labor movements of the United Nations, including those of the occupied countries. It is of the greatest importance that the American Federation of Labor respond favorably to the invitation if the contribution of American labor to the cause of labor unity for winning the war and securing the peace is to be fully and emphatically expressed. For the A. F. of L. not to respond to the invitation could only give aid and comfort to the isolationists, defeatists and anti-Soviet groups in our country—E. S. S., Jan., 1943.

* * * * * * * * * *

Defendant's Exhibit No. 28.

SOVIET CHILDREN AND THEIR CARE.

By Rose Maurer.

* * * * * * * * * *

INTRODUCTION. 5

"A joyous childhood" was a phrase I kept hearing all during my two-year stay in the Soviet Union (1935-37) from the lips of parents, teachers, doctors and others directly concerned in the well-being of their vast child population.* They were obviously proud of what they were doing to make children happy, to provide them with the protections and the opportunities which would ensure that from the little acorns mighty oaks would indeed grow. In the course of my visiting of Soviet schools, clubs, nurseries, clinics, kindergartens, libraries, factories, museums, farms, markets, theatres, law courts, and individual homes, I became increasingly aware of how effectively they were approaching their goal and, at the same time, how little understood their child care institutions were in our own country.

. . . . . .

Defendant's Exhibit No. 29.

OUR SOVIET ALLY IN WAR AND PEACE. 1

By Hon. Joseph E. Davies, Former Ambassador to the U. S. S. R.

. . . . . .

FOREWORD 3

The National Council of American-Soviet Friendship is honored to present this pamphlet by our distinguished former ambassador to the Soviet Union. Ambassador Davies' call for increasingly close collaboration with the Soviet Union and his warnings against all efforts to block such collaboration, are of vital import to the whole American people.

. . . . . .

* More than 60 million children aged 14 and under, or a third of the whole population, lived in the Soviet Union at the time of the 1939 census. After that date, several million children in Baltic, Bessarabian and other territories which joined the Soviet Union, also came under the aegis of the Soviet child care program.

I think all these things have demonstrated that the difference in our systems need in no way interfere with cooperation between the United States and the Soviet Union. I cherish above all our American institutions and the religion of my fathers. But just as we demand that there shall be no interference in our internal affairs, so the Soviet people have a right to arrange their lives without interference from us. That is their business. There are abundant immediate reasons for friendship between America and the Soviet Union. But the permanent reason for that friendship, based on mutual respect and confidence above all else, is that without it, there can be no reasonable hope of peace even for the foreseeable future. The fate of the world will depend upon continued American-Soviet cooperation and the justified confidence which each extends to the other.

What a magnificent challenge to the best and highest in the purposes and aspirations of our two great peoples!

. . . . . .

Defendant's Exhibit No. 31.

SOVIET WOMEN.

By Rose Maurer.

. . . . . .

INTRODUCTION

. . . . . .

In science, education, the arts, in labor and business relations, in engineering, in agriculture, in nationality problems, the women of the United States and of the Soviet Union are playing an increasingly important role. There is growing recognition among them of the

value of interchange of their knowledge and experience in these various fields. In addition the women of the United States and the Soviet Union, as of all nations, have special bonds of common interest in the everyday matters that concern them chiefly as women and mothers. In these brief pages I have sought to bring to American women what I have learned both from observations in the Soviet Union in the two years I spent there (1935-1937) acquiring material for a doctoral dissertation and from examination of the data available in various languages in this country. My selection of material is based on the questions I have found most frequently asked, by scholarly and popular audiences alike, concerning Soviet women and how they live, both in their family and their public life.

. . . . . .

Defendant's Exhibit No. 32.

SOVIET FARMERS. 1

By Anna Louise Strong.

. . . . . .

I sincerely hope that with the victory over our common enemy and the return of peace, the wounds inflicted by the Nazis on Russian agriculture and farm population will soon be healed and that cooperation on the scientific level which we in the United States Department of Agriculture have always encouraged, will flourish more than ever before to the mutual benefit of the American and Russian farmers. 2

CLAUDE R. WICKARD,
Secretary of Agriculture.

. . . . . .

In this pamphlet I have tried to describe the new, modern type of farming that Hitler encountered in his attempt to conquer the Soviet Union and then use its resources to conquer the world. 47

On the battlefields Hitler's wehrmacht faced masters of mechanized war who had been trained on the Soviet Union's mechanized farms and factories. In the less known battle of hunger the integrated, collective farm system overcame the Nazi seizure of about a third of its food growing areas. The resourcefulness shown is little short of miraculous. The Soviet farmers won the battle of hunger. That victory was as decisive in its own way as the Battle of Stalingrad.

• • • • • • • • • • •

Defendant's Exhibit No. 33.

SOVIET SPORTS. 1

By Eric A. Starbuck.

• • • • • • • • • • •

A big cement stadium seating 75,000, out on the 5
Leningradski Chaussée. I have just stepped off one of the long line of special trolleys running out to the big game, and for a moment it seems there is some mistake: Have I landed in the Yale Bowl? A close-clipped greensward, circled by a running track laid out in lanes, with vaulting standards and jumping pits at one end. A band blares away above the press gallery and press photographers run around, snapping everything in sight. But then I see that instead of crossbars at the end of the playing field are soccer goals, and the ten yard lines are missing. And not a coonskin coat in sight! It is a hot July day, and the spectators, coats off and sleeves rolled up, make it look more like the Polo Grounds than the Yale Bowl.

• • • • • • • • • • •

Athletics are open to and largely practiced by 36
anybody able to toddle or totter around a field. Stars do not receive much special attention. Their progress depends mostly on their personal initiative added to the general improvement in athletic standards that depends on widespread participation and intensive study promoted by the athletic clubs. There are no professional

athletes, unless you count circus performers. Teams representing factories or farms receive their wages while on tour, as they do on other vacations, but this pay has nothing to do with their athletic skill. The star of a track squad may be one of the lowest paid workers, while his highly paid boss may have to be content with an occasional second or third place. Stardom means nothing in money but only the satisfaction of personal ambition.

. . . . . .

Defendant's Exhibit No. 34.

THE TRUTH ABOUT THE BOOK THE NAZIS LIKE.

. . . . . .

FOREWORD 2

W. L. White spent six weeks in Soviet Russia, touring the country with Eric Johnston, president of the U. S. Chamber of Commerce. On his return he wrote a book titled "Report on the Russians" which other correspondents agree is one of the most distorted and misleading reports about our Soviet ally ever concocted. The book, which was originally condensed in *Reader's Digest*, has met the severest kind of criticism from leading American reviewers and correspondents.

. . . . . .

Believing that the writer, publishers, advertisers and distributors of this book are guilty of a serious desservice to a great ally, to friendly relations among the United Nations and plans for world cooperation, we offer this material to offset its damaging effects.

National Council of American-Soviet Friendship, Inc.

WHAT ERIC JOHNSTON SAYS:

Because William L. White accompanied me to Russia, I have had many inquiries about his new book on that country. They call for an answer in general terms at least.

I do not for a moment question White's right to say what he chooses, but I frankly disagree with him as to the significance of many things we both saw.

As in all countries, there is good and bad in Russia. In my judgment, White over-emphasizes the bad, minimizes the good. He does not take sufficiently into account the incredible sacrifices of the Russian people to defeat the Nazis.

Moreover, there is a generous dash of fiction in the book which is not labeled as such.

I believe genuine, two-way understanding between Russia and the United States is indispensable. Each nation must accept honest and frank criticism from the other. But each nation should strive to avoid unfair, destructive criticism of the other. We have got to learn to get along with Russia and the Russians have got to learn to get along with us.

• • • • • • • • • • •

Defendant's Exhibit No. 35.

RELIGION TODAY IN THE U. S. S. R.

By Rev. William Howard Melish.

• • • • • • • • • • •

FOREWORD 7

• • • • • • • • • • •

For the truth is that the religious issue has been a 8
major separating influence constantly at work between the United States and the Soviet Union. The opinions of church people have had much to do with the coolness between us, and today to a considerable degree will determine the character of our nation's foreign policy towards the Soviet Union and the extent of our country's participation in the future United Nations' organization. German propaganda portrayed the Soviets as the spearhead of "godless communism", exploiting in the Nazi interest certain aspects of Russian life. Today Goebbels is

dead but his words have taken deep root and the myth he planted now stalks on. Unless this fiction can be weeded out and the vast accumulation of misinformation cleared away, we shall harvest a crop of prejudices unrelated to the facts and able to undermine essential ties between our peoples. If unchecked, they could help to send us spinning down the ugly spiral to World War III.

• • • • • • • • • • • •

Soviet policy is based on equal treatment for Roman Catholics. This, it must be pointed out, is not satisfactory to Roman Catholics who fret particularly against the illegality of parochial schools. The authorities are adamant on this point, standing on the letter of the Soviet Constitution which calls for the complete separation of the church and the school. This issue of parochial schools is by no means confined to the Soviet Union; it is equally a source of heated debate in many other countries and in the United States as well.

• • • • • • • • • • • •

Thus, whether rightly or wrongly, the Communists felt that they had to break "the dead hand of the past" which they identified with the non-scientific or superstitious approach to life. The Communist Party voted to finance anti-religious propaganda and the Union of Militant Godless was brought into existence. It went about its business wholesale, making no discrimination between the legitimate manifestations of healthy religion and those conservative attitudes and superstitious practices that most intelligent men of faith would be quick to condemn, such as the determination of the time for spring sowing by the date of a religious festival rather than by conditions of weather and soil.

• • • • • • • • • • • •

Defendant's Exhibit No. 39.

KNOW THE U. S. S. R.

Readings on the Soviet Union.

Prepared by

THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC.

Purpose: To promote better understanding and strengthen friendly relations between the United States and the Soviet Union as essential to the winning of the war, and the establishment of world-wide democracy and enduring peace.

* * * * * * * * * *

Defendant's Exhibit No. 40.

See—THE SOVIET UNION IN EXHIBITS AND FILMS.

* * * * * * * * * *

Defendant's Exhibit No. 41.

See—THE SOVIET UNION IN PICTORIAL EXHIBITS.

* * * * * * * * * *

Defendant's Exhibit No. 42.

HEAR ABOUT THE U. S. S. R.

Speakers on the Soviet Union.

* * * * * * * * * *

The American People want to know the facts about our great fighting ally, the Soviet Union. They need and want to understand: Its People, Its Red Army, Its Industry, Its Agriculture, Its War Aims, Its Peace Aims, Its Government, Its Minorities, Its Foreign Policy. 2

These facts are available. The National Council of American-Soviet Friendship has organized a Speakers Bureau that is ready to serve your organization.

We can provide distinguished speakers who, by study or by personal experience, know the Soviet Union firsthand.

. . . . . .

Defendant's Exhibit No. 43.

HENRY J. KAISER ON AMERICAN-SOVIET POST-WAR RELATIONS.

. . . . . .

The address by Henry J. Kaiser printed herewith 2 was made on November 16, 1944 at a Madison Square Garden meeting attended by 20,000 people, under the auspices of the National Council of American-Soviet Friendship, Inc. Speakers at this meeting, commemorating the 11th anniversary of the establishment of diplomatic relations between the United States and the Soviet Union, included Secretary of State Edward R. Stettinius, Jr. (then Acting Secretary), Soviet Ambassador Andrei A. Gromyko and the British Ambassador, the Earl of Halifax.

Former Ambassador Joseph E. Davies read the following message from the President:

I am grateful to you and all those who are celebrating American-Soviet Friendship Day for the words of support and confidence I have received. There is no better tribute we can hold out to our Allies than to continue working in ever-growing accord to establish a peace that will endure. The Dumbarton Oaks Conference was a step in this direction. Other steps will be taken. In line with this objective such meetings as you are holding in Madison Square Garden and in other great centers throughout the United States are of tremendous assistance and value.

(Signed) FRANKLIN D. ROOSEVELT.

(Address)

By meetings such as this and others held hroughout the country; by its program of developing cultural and technical interchange between scientists, musicians, architects,

artists and other groups in the U. S. A. and the U.S.S.R.; by providing factual information about life in the Soviet Union and American-Soviet relations, the National Council of American-Soviet Friendship builds greater understanding and cooperation between the two countries, as a cornerstone of United Nations unity upon which the peace and well-being of the world depend.

• • • • • • • • • • •

I welcome this opportunity to share with you an 3
occasion, the chief purpose of which is to celebrate a decade of good-will. We are a relatively youthful member of the family of nations and as such should have some humility even in our appreciation.

Russia's emergence as a leader in the van of political evolution may be a unique instance among the events of modern history. For an ancient civilization, composed of so many diverse races and cultures, to make a bold advance into the practice of social politics, is a situation without parallel.

The Drama of New Russia

Throughout these ten years of growing confidence between the United States and the Soviet Union, the drama of the New Russia has continued to unfold. It is the story of the rise of a great nation from the repressions and injustices of a feudal society to a social consciousness which has astounded the world. It is the release of a great people from ignorance and fear. It is scientific achievement, second to none. It is art, music, and the humanities, vibrant and vigorous with the spirit of the new day. It is an industrial revolution accomplished in the brief span of fifteen years. It is the birth of an exalted patriotism on a gigantic battlefront, where sacrifice is told in millions of lives.

Historians, philosophers, playwrights, authors, and orators will tell this story with conviction and eloquence. But if, today, as a plain citizen, I were asked 4

why Russia has accomplished all this, I would reply that it is because her people—all of her people—believe that Russia belongs to them. It is theirs to build, to defend, and to enjoy.

Sometimes I wonder whether our concept of a nation is sufficiently broad. We talk about nations in terms of politics, boundaries, treaties, and trade balances. If only we could begin thinking about people, about millions of human beings. Why can't we think of Russia as 170 million people with hopes and longings like our own? Why can't we think of her as a great region covering one-sixth of the land surface of the globe, which could sustain all Europe and much of Asia in comfort?

Our Kinship With The Russians

Why can't we proclaim the many parallels in our destinies; vast areas, rich in resources; a people bred strong and virile from many racial stocks—for Russia, like our own land, is a melting pot; a people released from bonds of dead traditions, free to experiment in the realm of ideas, free to venture in the realm of ideals; a people endowed with the gift of space—"elbow room," room to breathe, room to think, room to grow to full stature.

I am glad Russia thinks we have done a good job, glad she has confidence in our experience. I am not concerned about her ideologies or her politics. I have faith enough in Democracy to believe it can hold its own in any fair trial.

Let me speak for a few moments on what seems to be one of the finest of the many compliments which the Soviet Union has paid us. By and large, she has accepted the technical patern of our industrial production. Our techniques have helped her to supply and maintain a magnificent army and to mount a continuous offensive against terrifying odds. Efficiency engineering, mass production, large-scale enterprise, subsidized research, and all those vital methods which have sustained us in peace and in war, have been deemed good in the eyes of the builders of the New Russia.

Russia's Great Industrial Future

Technological advance in the Soviet Union preceded the war, and even the preparation for war. The accomplishments under the immense pressures of defense and offense can be described by only one word: miraculous. It is therefore certain that Russia's industrial future is a fabulous prospect.

The industrial nations of the world can welcome this gigantic new productive force. It will mean not only a vast increase in the supply of essential goods and services, but it will offer new and stimulating competition.

The economists of the dead past express grave concern as to what we will do when Russia is ready to invade the markets of the world with manufactured goods. On this point, I would like to venture an opinion and voice a hope. When Russian industry has been tooled and equipped; when it has begun to satisfy the needs of its own people, the world will have discarded the theory that any nation can prosper at the expense of another. When Russian industrialism matches our own in volume, when comforts and conveniences are a commonplace for her people, the great mass of mankind throughout the world will be seeking goods and more goods to satisfy their awakened desires. In the new world there will be no place for the theories of overproduction. Wealth is something men should enjoy—not a few men—but all men. Otherwise it is meaningless.

We Welcome Russian Competition

I have no fear of Russian competition. I would welcome it. With you, I would be proud to know that we have helped her complete the magnificent industrial structure which she has begun. There is no inconsistency in the belief that men can compete, enjoy the fruits of their skills, and at the same time work together for a common good. The future course of our business relations is already being charted. We know now some of the things which we

want to buy and sell to each other. There is already an exchange of goods and services. There is the understanding that our mutual trade relations hold immeasurable promise. I would join with you in saying—American industry salutes the nascent Russian industry—with confidence and respect.

We have not yet appraised the New Age. We are still tugging at the millstone of the past. But sacrifice is a divine teacher. When men give their lives for their faith, new hope is born. Little will come of that hope unless our hearts are right. A modern prophet put it this way:

It is not wisdom to be only wise,
And on the inward vision close the eyes,
But it is wisdom to believe the heart,
Columbus found a world, and had no chart
Save that of faith deciphered in the skies—

In spite of misunderstanding, and perplexity, the United States of America and the Union of Soviet Socialist Republics have come to believe in each other through working together. Such faith is the cornerstone of the new world.

• • • • • • • • • •

Defendant's Exhibit No. 45.

BIBLIOGRAPHY ON THE SOVIET UNION.

For Teachers and Students.

List of Sources and Supplementary Teaching Materials.

Committee on Education of the National Council of American-Soviet Friendship, Inc.

114 E. 32nd Street, N. Y. 16 MU. 3-2080

Ten Cents

INDEX

Page

Sources For Teaching Materials On The Soviet Union 1
General Information 3
Maps 7
History 8
Foreign Policy 9
Russia At War 11
Literature—Fiction 13
Periodicals 15
For Young Students 16
Supplementary Materials 20

* * * * * * * * * *

Defendant's Exhibit No. 46.

WOMEN, CHILD CARE AND THE FAMILY IN THE U. S. S. R.

Books, Pamphlets and Articles.

A Guide to Reading and Study

Prepared by

The Committee of Women of the

National Council of American-Soviet Friendship, Inc.

114 E. 32nd Street New York 16, N. Y.

Price 10 cents

* * * * * * * * * *

INTRODUCTORY NOTE 2

This guide to reading and study on problems of women, child care and the family in the Soviet Union has been prepared by the Committee of Women of the National Council of American-Soviet Friendship as part of its program of promoting greater understanding between the women of the Soviet Union and the women of the United States. It

is not intended as a complete bibliography, but rather as an introductory guide which will be expanded as new material from the Soviet Union becomes available. It is important to keep in mind that much of the material pertaining to the earlier years, although important for an understanding of the present, does not describe the situation in the U.S.S.R. today. Material which is out of print, or available only in libraries, has been marked with an asterisk. Exhibit material and speakers on the various topics covered in this list are available through the Committee of Women. A general bibliography on the Soviet Union, and one on material for children are also available through the National Council.

. . . . . .

Defendant's Exhibit No. 48.

CHILDREN'S BOOKS IN THE U.S.S.R.

Facts About Children's Books in Soviet Russia
and
A Bibliography of Books for Children About the U.S.S.R.

. . . . . .

The similarities which exist between the United States and the Soviet Union have in recent years been stressed by our statesmen and educators—similarities in size, in physical resources, in the creativeness of a many-cultured population. Certainly there is a similarity in the tribute paid by the two great nations to the world of books, especially the rich realm of children's books. 1

. . . . . .

Defendant's Exhibit No. 49.

Proceedings of the Education Panel.

"EDUCATION AND YOUTH IN WARTIME IN THE U.S. AND U.S.S.R."

November 6th, 1943, Hotel New Yorker.

. . . . . .

Ten years ago this November under the wise guidance of our President, Franklin D. Roosevelt, the United States of America established diplomatic relations with the Union of Soviet Socialist Republics. Today our two countries are engaged with the other United Nations in a great peoples' war, on whose outcome the whole future of humanity depends.

The cooperation entered into ten years ago between the two nations was demanded by our deep-rooted common interests, and has brought mutual advantages. Today, ripened into a fighting alliance, that cooperation has become the keystone of victory itself.

Full collaboration for victory must be followed by full collaboration for peace. Only thus can mankind's long struggle for freedom be transferred from the realm of war and bloodshed to that of peaceful construction and the great goal of a life of security and abundance for the common man be realized. In cementing American-Soviet friendship we help to create the foundation for the abiding friendship of all free peoples on which such a life must rest.

We call upon the American people to join with us in this work of building American-Soviet friendship for victory and enduring peace.

* * * * * * * * * *

PROFESSOR HENRY PRATT FAIRCHILD— 2

Here in this country for the last few years, whenever education is mentioned, and particularly whenever there is the suggestion of a meeting dealing with education, one of the first names to come to people's minds, is always that of Dr. John W. Studebaker. Naturally, an invitation was sent to him to be present this afternoon. He has sent us this telegram:

"I regret that circumstances which I explained to you over the telephone make it impossible for me to accept the invitation to participate in your discussions on November 6th. I have, however, requested Dr. C. O. Arndt, specialist

in Far Eastern education to act as chairman. Nothing is more important now than the complete understanding among the United Nations. Signed, J. W. Studebaker".

And so now, without further preliminaries, I take great pleasure in introducing to you as our chairman for this afternoon's discussion, Dr. C. O. Arndt, who is a specialist in Far Eastern education of the Office of Education of our own government. Dr. Arndt.

. 34

PROF. FAIRCHILD:

We have greetings here from Professor James E. Sheppard, President of the North Carolina College for Negroes. Dean Christian Gauss of Princeton University, and others all stressing the supreme importance of friendship and cooperation between the two great democratic countries who are represented here particularly, along with others, this afternoon.

. 47

From the floor: the following resolution was presented:

"MOVED: That those participating in the Educational Panel of the Congress of American-Soviet Friendship, November 6, 1943, extend to the National Council of American-Soviet Friendship their congratulations for having called such a meeting, at which for the first time the importance of educational interchange between the United States and the Soviet Union has been discussed by leading American educators. We feel that these deliberations have been of particular significance, because of the collaboration between the United States and the Soviet Union now existing in the struggle against our common enemy and which will become increasingly important for the future of the world as effect is given to the important agreements recently concluded in Moscow."

(The above motion was unanimously carried and Prof. Fairchild declared the meeting adjourned.)

* * * * * * * * * * *

Defendant's Exhibit No. 51.

Proceedings of the Nationalities Panel.

"THE SOVIET UNION: A FAMILY OF NATIONS IN THE WAR".

November 6th, 1943, Hotel New Yorker.

* * * * * * * * * * *

NATIONALITIES PANEL 2

"The Soviet Union: A Family of Nations in the War"
Hotel New Yorker 11:00 A.M. to 1:30 P.M.
Sunday, November 7, 1943

Chairman: Mr. Louis Adamic, President, United Committee of South-Slavic Americans

Mr. Anatoly Yakovlev, Soviet Engineer, "The Nationalities of the Soviet Union"

Prof. D. H. Kabakjian, Pennsylvania University, "Comments on the Family of Nations by an Armenian"

Dr. E. Franklin Frazier, Professor of Sociology, Howard University, "A Negro Looks at the Soviet Union"

Mr. James N. Rosenberg, Honorary Chairman Executive Committee, Joint Distributing Committee. Honorary Chairman, American Jewish Joint Agricultural Corporation, "The Jew and the U.S.S.R."

Mr. Joseph A. Salerno, President, Massachusetts State C.I.O., "Italy and the Soviet Union"

Mrs. Catherine Staneslow, Lithuanian-American, Chairman Russian War Relief, Waterbury, Connecticut, "The Voice of the Newest Republics"

"The Soviet Union: A Good Neighbor"

Mr. Louis Adamic

Professor Joseph Hanc, Professor, Fletcher School of Diplomacy, Cambridge, Mass. and Czechoslovak Economic Service

Dr. Felix Boenheim, Secretary, German-American Emergency Conference

Mr. Leo Krzycki, Chairman, American-Slav Congress, Vice-President, Amalgamated Clothing Workers of America

MR. LOUIS ADAMIC: 3

It is eminently fitting that this Congress of American-Soviet Friendship should include a panel on nationalities. Russia and the United States are the only two large countries, except for India, whose populations are made up of people stemming from different nations, religions and cultures.

. . . . . .

The USA and the USSR have a great deal in common. It is time for us to get together, to deal face to face. It is time to explode our misconceptions and find out what the other country is really like. Russian and American interests do not clash at any point. 5

As a matter of fact, we have a common ultimate purpose: the equalization of opportunity for all citizens; government of the people, by the people, for the people. Let us share what we have learned from our separate experiences, and keep on working for the same end—but let's work together.

. . . . . .

Defendant's Exhibit No. 52.

FACTS ABOUT THE SOVIET FAMILY OF NATIONS

Committee on Education of the
National Council of American-Soviet Friendship, Inc.
114 East 32nd Street New York 16, N. Y.

One eleventh of all the peoples of the world live in the Soviet Union.

On its vast territory, almost 9 million square miles, there are 190 million men, women and children of 175 different nationalities and national groups speaking 150 languages.

The Soviet land stretches from the Arctic to the borders of India, from the Baltic to the Pacific. Here Russians and Uzbeks, Tatars and Ukrainians, Lapps and Jews and Kazaks and Georgians, Mongols, Turkmenians and many others live as equal Soviet citizens. Yet each nationality within the frame of the Soviet Union keeps its own culture, its own language and religion. The terrible tests of war showed how strong was this Union of many different peoples.

But this was not always so.

Before the revolution of 1917 all these nations were so oppressed that Russia was known as the prison house of nations. Economic progress was denied the non-Russians, they were given no health care or education, their prejudices and hatreds were encouraged, their disunity made it easier to keep them in submission. They were forbidden to use their native language outside the home. Every effort was made forcibly to destroy their culture and to Russify them.

How did these warring people become united and equal in a federal state?

CONSTITUTIONAL GUARANTEES—

Article 123. Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

THE STRUCTURE OF THE MULTI-NATIONAL STATE IN THE U.S.S.R.—

The highest organ of state authority is the Supreme Soviet of the U.S.S.R. consisting of two chambers each having

equal rights—the Soviet of the Union and Soviet of Nationalities.

The Soviet of the Union is elected on the basis of one deputy for every 300,000 of the population.

The Soviet of Nationalities is elected, irrespective of the number of the population, on the basis of 25 dep. ; from each union Republic, 11 deputies from each autonomous region and one deputy from each national area. In this way the problems and needs of each nationality, and the welfare of all together, are considered in the Soviet of Nationalities. No nationality is without its voice. A Jew speaks for the Jews, an Uzbek for the Uzbeks, an Armenian for the Armenians, and so on.

EDUCATION—

But legal guarantees, though very necessary, could not bring about real equality as long as only 24% of the people were literate. And so the first thing the government did was to teach the people to read and write.

In 20 years more schools were built than had been built in all the ages of Czarist rule. The greatest number were established where there had never been any schools before. In these 20 years 40 million adults learned to read and write. Now 98% of all the people in the Soviet Union are literate. All children go to school at 7 and the quality of the schools, the curriculum, the requirements fc. teachers, the standard of graduation is the same for the child in Vladivostok or Igarka as for a little citizen of Leningrad.

NATIONAL CULTURE—

Although everyone learns Russian in schools, the language of each nationality is also taught and the people encouraged to preserve and build their own literatures, their own music and art. Now operas are being sung, books written in languages that before 1917 had no written alphabet.

Now the music and dance of Central Asia is admired in Moscow and Moscow artists perform for the Chukchis of the Far North.

ECONOMIC PROGRESS—

The government concentrated every effort on these backward areas in order to help them develop industries and improve their agricultural production. Deserts were irrigated, marshes drained, electric stations brought power to the remote districts, mines were dug, factories built, experts sent to show the people how to make the most of their land and its resources.

HEALTH—

Along with this economic and agricultural development went improvement in health. Nationalities that were dying out from epidemics and lack of medical care, are now increasing and flourishing.

(For example, the Nenets in the Far North had 30 years ago, one physician to every 270,000 square kilometers. They were dwindling at the rate of 10% annually. Now in this same area there are 11 hospitals, 23 medical aid stations, a tuberculosis center, many clinics, an epidemiological center, a children's health center, and mobile stations which serve the nomads. A doomed and dwindling people in 1917, these Northern peoples are now increasing.)

Brief notes on the 16 Republics of this multi-national state:

THE U.S.S.R.—A UNION OF SOVIET SOCIALIST REPUBLICS

R.S.F.S.R. (Russian Soviet Federated Socialist Republic) 6,375,000 sq. mi., twice the size of the United States. The largest cities, ⅔ of the industry, grain lands, most of the forests, the tundra belt, much of the grassland lie within the R.S.F.S.R. Source of most of the furs. This is the only part of the Union for which the term "Russia" is correct.

A Jewish Autonomous Region has been established in the eastern R.S.F.S.R. for those Jewish men and women who wish to live with others of their nationality. (There are, of course, Jewish citizens in every Republic and there is no anti-semitism in the Soviet Union.)

Ukrainian S.S.R.—200,000 sq. mi. Center of iron and coal, steel and chemical industries. Its great plains of rich black soil produce much of U.S.S.R.'s wheat and sugar beets. Dnieper Dam, center of hydro-electric power is in the Ukraine.

Byelo-Russian S.S.R.—90,000 sq. mi. Produces lumber, peat and flax. (Formerly a land of swamps, the Soviet Union, by draining more than two million acres, has trebled the flax crop and increased wheat production almost seven times.)

Azerbaidzian S.S.R.—33,200 sq. mi. Chief oil center of the U.S.S.R. which has 10% of the world's petroleum. Produces cotton and rice. Recently textile and shoe factories have been established.

Georgian S.S.R.—26,875 sq. mi. On the mountain slopes and in its valleys grow citrus fruits, tea and grapes. Georgian wines are famous. Manganese and coal are mined and metal industries have been established. (Since 1917 production of tea has increased 55 times, citrus fruits 110 and metals 24 times.)

Armenian S.S.R.—11,580 sq. mi. Silks and cottons, fruit and wines. Irrigation and electric power have brought greatly increased prosperity. Cotton production has increased by 60%.

Kazakh S.S.R.—1,000,000 sq. mi.—⅓ of the size of the U.S.A. A land of great plains and deserts; center of the meat packing industry; its herds have more than doubled since 1932. Irrigation has made it possible to grow wheat and cotton. Here the rubber plant Kok-sagyz grows, and minerals and oils, in great quantity, have been discovered.

Karelo-Finnish S.S.R.—64,000 sq. mi. This is a northern land of forests. Lumber, reindeer breeding and mining are

the principal industries. This Republic is the main source of the mineral, apatite.

Moldavian S.S.R.—13,600 sq. mi. Between the Carpathian Mountains and the Black Sea. The Soviet government has built dykes and pumping stations which make this country of rich black soil one of the largest producers of fruit. (Moldavians had formerly no written language. There are now 150 schools teaching Moldavian.)

Baltic Republics—Estonian S.S.R., Latvian S.S.R., Lithuanian S.S.R.—total 66,714 sq. mi. Farming, shipbuilding industry, fishing, agriculture.

Central Asian Republics

Uzbek S.S.R.—146,000 sq. mi. Grows ⅓ of all the cotton of the Soviet Union. Irrigation is greatly increasing the fertile area.

Kirghiz S.S.R.—75,950 sq. mi. A land of mountain pastures, sheep and cattle.

Tadjik S.S.R.—55,545 sq. mi. The most mountainous Republic bordering the highest mountains of the world. Rich in minerals. Irrigation has made it possible to grow wheat and fruits.

Turkmen S.S.R.—171,250 sq. mi. "Country of the black sands". Famous Caracul furs and rugs come from this Republic. Irrigation is making agriculture possible. Since 1927 great chemical riches have made possible the establishment of industries.

In Central Asia the change in one generation from a backward land where wooden ploughs were used to till the soil, women were veiled, education unknown, to a modern country with steel and hydro-electric plants, schools, modern industry and agriculture, is a thrilling one.

We are glad to help teachers who are working in this field. The following services are available:

Pictorial exhibits
Speakers
Publications

For detailed information write to:

Committee on Education of the
National Council of American-Soviet Friendship, Inc.
114 East 32nd Street New York 16, N. Y.

Defendant's Exhibit No. 53.

MEET THE RUSSIANS.

6 Radio Plays

By Milton Robertson.
National Council of American-Soviet Friendship.

CONTENTS

Note by the Author 1
Memo to the Director 2
I. The Reunion 4
The story of the separation of three young friends in 1941 and their reunion.
II. Sevastopol 6
The story of the deathless Russian city symbolized by Ludmilla Pavlichenko, famed Russian Sniper, and Golokov, Superintendent of a museum.
III. Twinkle Twinkle Little Star 21
The story of a home for children whose parents were lost in the war.
IV. Cyclone House 35
A story of a Nazi guilty of countless gas-chambers executions, who finds himself imprisoned in his own inescapable prison.
V. The Uncle Sam Pilot 51
The story of Glasha and Sam, an Iowa pilot, at a Soviet shuttle bomber base.
VI. A Strange Parade 66
The story of the parade of German prisoners in Moscow.

Note by the Author

There are various ways in which one can meet the Russians. Some prescribe books, others suggest newspaper and magazine reports and still others are ardent advocates of the black and white cinema portraits issued by the Soviets. All of these are good ways but it is my desire to include the medium of radio as an exemplary method of sharp introduction.

As a good basis for such an inclusion, I'd like to mention the past history of MEET THE RUSSIANS! More than a year ago the first script was offered through a New York station to the American radio audience . . . hesitantly . . . timidly. It was received overwhelmingly. It seemed that people wanted to hear more about these giant-sized folk who so closely resembled themselves. We gave them more and the Ohio State Radio Institute carefully examined what we were offering. We are proud of the results; of an award that called our program an "outstanding success in bringing closer to our understanding our fighting ally, the Soviet Union and its people." We received further confirmation when the OWI rebroadcast several of our shows for overseas consumption.

In presenting MEET THE RUSSIANS I have attempted to portray a people who, but for a geographic variation, might very well be ourselves. I have kept this in mind in offering the shows over the air,—having my Russian characters speak without accent. These Russians speak like folks who might come from anywhere in the States. I can't say the same about the German fascists portrayed, and for perhaps that reason, I have endowed them with accent!

• • • • • • • • • •

Defendant's Exhibit No. 54.

News Bulletin No. 1. 1
May 29, 1944.

ARCHITECTS' COMMITTEE, NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC.

Russia Restores Reoccupied Areas

Sweeping measures for the restoration of reoccupied areas, province by province, immediately upon enemy evacuation, were embodied in a Moscow decree of Aug. 21, 1943. These ranged from the return of livestock moved to the East and seed relief in farm regions to the construction of dwellings, rail stations, and other structures. Already on Feb. 5, 1944, it was possible to report that these directives were not only fulfilled but exceeded.

. . . . . .

Seminar on Soviet Art and Architecture, 2
Cornell University

Summer courses at Cornell on Contemporary Russian Civilization will include a weekly seminar on Soviet Art and Architecture, to be conducted by Mr. Simon Breines, week of July 17th. Recent developments in Soviet architecture and city planning will be emphasized. Mr. Breines, New York architect and member of the AIA, was prize-winner in the International Competition for Design of the Palace of Soviets, 1932; engaged in architectural study in the Soviet Union, 1933; was American supervising architect for the Soviet Pavilion at N. Y. World's Fair, 1939; is the author of articles on Soviet art and architecture in various periodicals. He was awarded the 1944 Brunner Fellowship in City Planning of the American Institute of Architects.

. . . . . .

News Bulletin No. 2 1
June 12, 1944

. . . . . .

Recently *The Architects' Journal,* of London, published a synopsis of organization and training for planning in the USSR. Because this article answers questions of interest to American architects, it is here reprinted, briefly reduced due to space restrictions:

* * * * * * * * * * *

News Bulletin No. 3 1
June 26, 1944

* * * * * * * * * * *

Soviet Publications Received

Recent Russian architectural magazines are now being received by the Architects' Committee—among the first, *Architectura,* Numbers 2, 3, and 4, of 1943, and Number 5, of 1944. Summaries of articles of interest to architects and planners in these issues follow. Others will appear in subsequent bulletins, as space will permit.

* * * * * * * * * * *

News Bulletin No. 9 1
July 25, 1945

American-Soviet Building Conference

First detailed report of how the Soviet Union's construction industry was mobilized for its gigantic war building job came from Russian engineers and architects who attended the first American-Soviet Building Conference in New York City, May 4 and 5.

The Conference, initiated by the Architects' Committee, brought together some 300 building professionals from both countries.

* * * * * * * * * * *

Defendant's Exhibit No. 55.

NEWS LETTER.

National Council of American-Soviet Friendship.

Vol. 1, No. 1 July, 1943

* * * * * * * * * * *

This News-Letter, which we propose to issue regularly and at least once a month, has several purposes. It is a medium through which the local councils can become acquainted with each other's work as well as with the activities of the National Council. Secondly, in its columns the National Council will set forth important news regarding manifestations of American-Soviet friendship and of propaganda efforts which are intended to disrupt that friendship. Finally, the News-Letter can be of use as a medium in which the Council expresses editorially its ideas on specific aspects of relations between this country and the U.S.S.R. Through such editorials we can keep the local councils abreast of what the national body is thinking. Also they will serve the purpose of indicating to local councils and other organizations activities in which we think they can usefully cooperate, as when in this first issue we urge support of *Mission to Moscow*.

This first number is necessarily of an experimental nature. Whether and in what form it continues will depend on the response to this issue. We welcome your suggestions for change and improvement.

• • • • • • • • • • •

Defendant's Exhibit No. 56.

SCIENCE BULLETIN.

Science Committee, National Council of American-Soviet Friendship, Inc.

Vol. I, No. 3 April 1945

• • • • • • • • • • •

Gifts to Aid Reconstruction of USSR Libraries 1

The Committee extends its thanks to its many members and friends who have donated reprints, books, and journals for the destroyed libraries of the Soviet Union. Except where specifically directed elsewhere, these gifts are being sent to the Universities of Kiev, Kharkov, Odessa, Minsk,

Stalingrad and Sevastopol, nothing of which remained after the German retreat.

A gift which will also be warmly received by Soviet colleagues is a check sent to the Science Committee to cover a subscription to an American scientific journal.—The journal will be sent to the Ukrainian Academy of Sciences at Kiev. The donor expressed his conviction that American scientists, who borrow their journals from libraries, should support American scientific publications and that Russian scientists, without adequate access to American scientific literature, will be grateful for assistance in restocking their destroyed libraries.

• • • • • • • • • • •

The Science Committee is drawing up a list of Russian scientific books with the purpose of arranging for their translation into English and publication in this country. All phases of science are to be included. Readers are requested to send in suggestions of Russian titles whose translation they feel would be valuable to American scientists in their specific field. 4

• • • • • • • • • • •

Appendix 5

(The following publications received from the Soviet Union were abstracted by Dr. J. A. Tolpin, of Universal Oil Products Company. Space limitations permit only excerpts from his abstracts. His bibliography, now in progress, of Russian material in this country will eventually be published in full.)

• • • • • • • • • • •

Vol. 1, No. 2 March, 1945

• • • • • • • • • • •

The Detroit Institute of Technology has announced a new class in the Russian language. Dean Graves of the Institute is convinced of the vital importance of this language to future American scientists. 1

• • • • • • • • • • •

Subscriptions to USSR Periodicals 2

A catalogue from the Soviet Union announces a new newspaper and magazine subscription service conducted by Kniga, Moscow. Twelve newspapers in Russian, including *Literature and Art*, *The Medical Worker*, *The Teacher's Newspaper*, *Pravda*, etc., are listed. *The Moscow News* is issued in English. Besides journals in economics, sociology, and political science, there are listed 11 in the physical sciences and mathematics; 17 bulletins of the Academy of Science of the USSR; 6 on technology, industry, communications; 7 on agriculture, forestry, and veterinary; 19 on medicine and biology. Two scientific publications contain articles in English, French, or German: *Acta Physiochimica URSS* and *Journal of Physics*. Catalogues, with subscription prices, may be obtained from the Four Continent Book Corporation, 253 Fifth Avenue, New York City. Due to a United States post office ruling, Four Continents is, however, unable to enter any subscriptions to Russian journals. Persons wishing to subscribe must enter their own subscriptions by writing directly to Kniga in Moscow, enclosing a bank draft covering subscription costs.

. . . . . .

Appendix 5

Books and Manuscripts Received from the USSR from December 15, 1944, to March 1.

. . . . . .

Defendant's Exhibit No. 57.

SOURCES FOR TEACHING MATERIALS AND BIBLIOGRAPHY.

For Teachers and Students.

THE SOVIET UNION.

. . . . . .

Defendant's Exhibit No. 61.

NOTES ON THE AMERICAN THEATRE.

Issued Periodically for Soviet Theatre Artists by the Theatre Committee, National Council of American-Soviet Friendship.

Vol. I, No. 1 August 1945

* * * * * * * * * *

Contents

Notes On The New York Theatre, Season of 1944-1945
by Margaret Webster

Two Actors Discuss Their Roles
by Frederic March and Jose Ferrer

Scenic Design For The Musical Stage
by Howard Bay

A Letter From Eva Le Gallienne

The Theatre Committee Gets Going

* * * * * * * * * *

It is with great pleasure that we present to you the first number of our bulletin. Beginning with the theatrical season that starts in September, 1945, we hope to let you have a regular monthly number. Articles, surveys and summaries of American theatrical activity will be contributed by leading artists in every field of the American theatre. It is our most sincere hope to bring to you a picture of the American stage as interpreted by its members for the benefit of you, our colleagues and unknown friends in the U.S.S.R.

* * * * * * * * * *

THE THEATRE COMMITTEE GETS GOING 13

On June 12th the Theatre Committee of the National Council of American-Soviet Friendship, under the chairmanship of Margaret Webster, held a meeting at the Hotel

Plaza in New York City to announce its aims and set its organization.

The Executive Committee was expanded to include the following persons: Theresa Helburn of the Theatre Guild; Cheryl Crawford, producer of "Porgy and Bess," "One Touch of Venus," and "The Tempest"; Oscar Serlin, producer of "Life With Father" and other plays; Jose Ferrer, actor, who played the role of Iago in the recent production of "Othello"; Howard Bay and Frederick Fox, scenic designers; Rosamond Gilder, editor of "Theatre Arts Monthly"; Eva LeGallienne, producer, director and actress; William Morris, Jr., Vice-Chairman of the National Council of American-Soviet Friendship.

Margaret Webster announced that in response to a request from the Theatre Section VOKS, a collection of theatre material had been sent to the Soviet Union. Included were scripts of current American plays, among them: "A Bell for Adano", "Tomorrow the World", "I Remember Mama"; photographs, blueprints and working plans of "Twelfth Night," "Julius Caesar," "Macbeth," "The Russian People," "The Cherry Orchard," "Oklahoma" and other plays; souvenir programs and posters of past seasons.

Miss Webster projected future plans for the Theatre Committee regarding the exchange of theatrical news, ideas and material between the two countries. The first concrete step is the issuance of this bulletin.

The fall program of the Committee will include the publication of a bulletin on the Soviet Theatre for distribution among the theatre people of this country; the preparation of an exhibition of scenic designs to be sent to the Soviet Union; and eventually, it is hoped, exchange visits of theatre companies.

* * * * * * * * * *

Defendant's Exhibit No. 62.

NOTES ON THE AMERICAN THEATRE.

Issued Periodically for Soviet Theatre Artists by the Theatre Committee, National Council of American-Soviet Friendship.

Vol. I, No. 2 January 1946

* * * * * * * * * *

Contents

Introductory Letter
by Margaret Webster

Theatrical Proving Grounds—Professional and Amateur

I. A Professional Experiment
by Sam Jaffe

II. The "Non-Commercial Theatre,"
by Alan Schneider

An Actual Production Budget
by Cheryl Crawford

The Theatre Panel of the First Conference on American-Soviet Cultural Cooperation

Toward A Government-Supported Theatre
by Stewart Chaney

* * * * * * * * * *

Our second bulletin is, as you will see, largely devoted to the non-professional and experimental field of the American theatre, to whose vigor and vitality we are happy to pay tribute. At the present time one sees on all sides signs of an urge towards expansion, advance, new forms and new systems of practice in all the theatre fields. The individual and irrepressible spirit of the American people is forcing itself through the clogged channels of the theatre; great developments are promised in all fields, of which we hope to give you a fuller picture in our future bulletins.

The theatrical season in New York has not, as yet, shown itself an outstanding one, though it has had several notable items to offer. Probably the year's best new play has proved to be "State of the Union", by Howard Lindsay and Russell Crouse. It is a very brilliant satire, deftly and expertly carried out, on the American polifical "machine", as against the plain and honest aspirations of a plain and honest man. The play has commanded tremendous response, not only to its excellent theatrical entertainment value, but to the power and humanity of the lesson it paints.

. . . . . .

THEATRICAL PROVING GROUNDS—PROFESSIONAL AND AMATEUR 3

In her survey of the American theatre in the last issue of the bulletin, Margaret Webster deplored the fact that training grounds for the professional theatre worker in the United States are practically non-existent. She mentioned, as two exceptions, the Equity Library Theatre, set up for professional actors, and the far-flung network of amateur theatre groups spread throughout the nation. These two exceptions are herewith discussed in detail by two authorities intimately connected with them.

. . . . . .

II. THE "NON-COMMERCIAL" THEATRE 6

By Alan Schneider

(Instructor in Speech and Drama and Assistant Director of the Catholic University Theatre, Washington, D. C., one of our leading university theatres.)

In the first number of this bulletin, Margaret Webster gave you a birdseye-view of our professional theatre, which —unlike your own—is concentrated largely in one place: New York City. I would like to do the same for our theatre outside of New York, our nation-wide non-professional or, as its workers prefer, our "non-commercial" (in the sense that it is not operated for individual profit). While the war

has seriously affected our membership and the extent of our activities, the end of the war is already bringing about a resurgence. What I have to say, then, although based on the facts of yesterday, should be even more true of our hopes for tomorrow.

* * * * * * * * * *

A newer effort that bears watching is Theatre '45, 9
a professional repertory theatre now being started in Dallas, Texas by Margo Jones. The aim of this new enterprise, which plans to employ a paid acting and production staff of 30, is to present the classics as well as new scripts by young playwrights.

Should the Dallas experiment prove successful, it may have tremendous consequences for the future of the American theatre. More and more the community theatre is being driven toward professionalization. More and more—through lack of theatre space and longer runs—the professional theatre is bursting its New York seams. Whether the twain shall meet remains to be seen.

In many respects, the theatre off Broadway may be said to be the real theatre of democracy, the theatre of the people, by the people, for the people. Just as the greatest of all European theatres—including your own Moscow Art—grew out of the efforts of enthusiastic non-professionals, so we hope that some day we shall have not one city but a nation of great theatres.

* * * * * * * * * *

THE THEATRE PANEL OF THE FIRST CONFERENCE 12
ON AMERICAN-SOVIET CULTURAL COOPERATION

* * * * * * * * * *

Among the theatre artists addressing the conference were Margaret Webster, noted Shakespearean director and co-sponsor of a plan for an American Repertory Theatre; Cheryl Crawford, producer and co-sponsor with Miss Webster and actress Eva Le Gallienne of the repertory project; Harold Clurman, former head of the Group Theatre, one of

the American theatre's few permanent theatre organizations; playwright Lillian Hellman, just back from watching rehearsals in the Soviet Union of two of her plays, "The Little Foxes" and "Watch on the Rhine"; Norris Houghton, author of "Moscow Rehearsals"; and playwright James Gow, co-author with Arnaud d'Usseau of the provocative current success, "Deep are the Roots."

Atkinson Cables Greetings

Brooks Atkinson, formerly drama critic and now Moscow correspondent of the New York Times, cabled his greetings to the members of the conference, and added his impressions of the present theatre season in the Soviet capital. John Martin, the "Times'" dance critic, also spoke briefly on trends in American and Soviet ballet.

* * * * * * * * * *

Defendant's Exhibit No. 67.

TEXT OF MESSAGE FROM THE HONORABLE HENRY A. WALLACE, SECRETARY OF COMMERCE, TO GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P. M. AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

I know of nothing more important to the future welfare of humanity than the building of a sound basis for a continued friendship between the Soviet Union and the United States. Working together, there are no limits to what we can accomplish for human well-being, just as there is no limit to the human misery that would be caused by the fomenting of suspicion and hate between us.

The practical way to produce the continued friendship we must produce is to start with what both countries agree on, emphasize this agreement on fundamentals, and then try to widen the area of understanding. Both countries believe in

science, both believe in striving for the fullest realization of human potentialities through the application of science to social problems, and both desire freedom from the fear of war so they can work towards a better life for their people. If we can understand each other fully on this basis, a solid foundation for lasting friendship will have been laid.

I send my heartfelt congratulations to those who are working to achieve this great purpose.

* * * * * * * * * * *

TEXT OF ADDRESS BY LT. GEN. WALTER BEDELL SMITH, REPRESENTING GENERAL OF THE ARMY DWIGHT D. EISENHOWER, CHIEF OF STAFF, AT GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21st, 7. P.M., AT THE HOTEL WALDORFF-ASTORIA.

Gen. Walter Bedell Smith was designated United States Ambassador to the Soviet Union by President Truman on February 14th, 1946.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

The great accomplishments of the Red Army during the war in Europe aroused the admiration of the world. There is a stern sense of justice in the fact that this great instrument of liberation, after freeing the Soviet people from the lash of the cruel invader, became at last the nemesis of Hitler himself in his beleaguered chancellery. As a soldier, watching the campaigns of the Red Army, I developed the greatest admiration for the skill of its leaders. As an Ally in Europe it gave me a warm sense of comradeship to be associated with men whose love of country was so great that they found it impossible to recognize defeat. It gives me a great deal of pleasure to add my congratulations on this occasion to all ranks of the Red Army on their achievements in the great struggle which ended in such a glorious victory.

I am glad to add my tribute to that which you are paying to the Red Army on this occasion which honors the anniver-

sary of its founding. I have seen the Red Army at close range, and I can assure you that it deserves our sincere admiration. Like our own army, it is not composed of professional soldiers, or rather, it is composed of men who became professional on the battle field. It was the product of a people in arms, organized into a magnificent fighting force to combat a desperate threat to the homeland, and its officers and men were thoroughly representative of the Soviet people. We came to know the leaders of the Red Army in Europe, to admire them and to like them. Marshal Zhukov, and his able deputy, General Sohlolovski, would be great in any country. These men and their principal subordinates, impressed us not only by their ability, but by their frank and straightforward attitude. In spite of the language barrier—and it is very difficult to feel close to a man whom you can only address through an interpreter —we believed that we had reached with them an honest basis of mutual confidence and understanding. 2 This was not always an easy accomplishment. The representatives of the Soviet Union and ourselves are products of a very different political ideology. But despite the fact that in tradition, outlook and training their men were different from Americans and approached problems from a different viewpoint, we were frequently struck by many points of similarity. They have, for example, a direct manner of doing business which we like to think of as characteristic of our own countrymen.

During the campaign in Europe General Eisenhower communicated direct with Marshal Stalin's headquarters for the coordination of the military operations which resulted in the final defeat of the German war machine and we had no important difficulty in reaching an understanding. It may be said that soldiers usually get on with each other regardless of nationality and that in any case we had an impelling necessity for agreement since we were engaged in a bitter struggle against a common enemy. That is certainly true, but it is equally true that there is an even more impel-

ling necessity for agreement and understanding now. Then, we were engaged in winning a war. Now, we are concerned with producing a far greater victory, the victory over war itself.

The war which has just ended inflicted wounds on the world which will take a century to heal. The alliance between the soldier and the scientist are producing new methods of destruction which it is doubtful if civilization could survive. To insure that no such catastrophe will occur again, the Soviet Government has joined with us and with the other peace-loving peoples to develop lasting formulas for international good will and understanding through the medium of the United Nations Organization, in which all our hopes are now centered.

But patience is required. The months and years ahead will be groping ones until we are certain that the machinery is firmly established through which all nations are agreed to deal with each other in mutual understanding and forbearance. The new organization will have its growing pains. There will inevitably be a period of negotiation and compromise. We, as Americans, are prepared to go a long way to meet our international associates but at the same time we must be constantly aware of our own vital national interests in order to recognize the line beyond which compromise cannot go. We must expect this same attitude on the part of others. The Soviet people are a very practical people. They have suffered greatly during the war years, and they are devoid of sentiment where the vital interests of their country are involved. They do not enter lightly into important agreements. They are inclined to 3 drive hard bargains, and they expect us to do the same. There is nothing to criticize in this—each should support the interests of his own country when major issues are involved. But with honesty, frankness and good will on both sides, there is no reason why satisfactory solutions cannot be worked out. After all, we have gotten along well for almost 150 years, in spite of the fact that our governments

and our economic systems have been quite different. We must exert every effort no matter how great the difficulties may be, to reconcile our different points of view. I am sure that you are convinced, as I am, that nothing is more important for the world, as well as for the two nations themselves, than that the United States and the Soviet Union should maintain a firm basis of understanding.

Both nations want nothing so much as peace and security. We have our own security requirements and we understand and appreciate the desire for security on the part of the Soviet Union. If national interests conflict, we must endeavor to adjust them to the general principles of world security which the United Nations Organization was created to establish and which will bear final scrutiny. This will require tolerance and patience and in the meantime it is imperative that our national temperatures remain at normal. Petty frictions must not be misread as signs of insoluble problems. It rests as much with us as with the Soviet Union how effectively our mutual policy of friendship is pursued. If we are sympathetic and generous, as we have always been, without being either unduly sentimental or hypercritical, if we are firm and honest, without being stubborn, we should be able to face the future confident of the respect and cooperation of the Soviet Union and of all other nations.

* * * * * * * * * *

EXCERPTS OF REMARKS BY CORLISS LAMONT, CHAIRMAN, NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, AT GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21st, 7 P.M., AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

I am deeply appreciative of what has been said here this evening about the part played by the National Council and

its Chairman in furthering American-Soviet cooperation and world peace.

I salute and thank most heartily the many friends who have helped the National Council put its program into action during the three years of its existence.

In many ways it is more difficult to preserve the grand coalition of the United Nations during the divisive pressures of peace than during the uniting pressures of war. We know that powerful and influential groups are seeking to break up the friendship that has been established between America and Soviet Russia. Some of these groups, with representatives in high places, go so far as to urge the idea of war against the Soviet Union. With this crazy, suicidal notion of an armed attack on our great ally in the victorious war against Fascism becoming a chief topic in private conversation and public debate, I am forced to question the essential morality and intelligence of some of my fellow-citizens.

It is precisely the job of the National Council to offset the enemies of peace in our midst and to intensify its efforts for American-Soviet friendship. Our program should interest not merely those who for some reason specialize on the Soviet Union or American-Soviet relations. It should interest every American citizen. For every American has a direct, immediate and enduring stake in American-Soviet friendship as the cornerstone of world peace and security.

During the last few months a serious attempt has been made to hamper the work of the National Council. I refer to the so-called investigation of our organization by the House Committee on Un-American Activities. Since early in November this Committee has been writing us letters, making impossible requests and carrying on a campaign of attempted intimidation based on the absurd assumption that American-Soviet friendship and cooperation is "un-American."

Our position is that the National Council is beyond the proper and constitutional scope of this Committee

and that it has no business whatsoever with our correspondence and financial records, which have been subpoened. The Executive Director of the Council is now under subpoena; and he and I are due to appear before the Committee in two weeks.

All decent Americans long ago adjudged this Un-American Committee guilty of contempt of the American people, of contempt for the United States Constitution and our Bill of Rights, of contempt for racial tolerance and American democracy, for fair-dealing and legal procedure, for many fundamental American principles and ideals. We hold this Committee in contempt and shall continue to do so. It is, then, a good fight and an important fight that we are in. We know we have your support and we shall keep you informed of further developments. ~~Now, finally~~, let me say something of a more positive and cheerful nature. Despite the repeated "crises" in American-Soviet relations cooked up by sensational journalists, despite spy scares and war talk and all the rest, the United States and the Soviet Union have been and are working together fruitfully in the United Nations Organizations. The U. N. O. is now well under way and is to have its permanent headquarters in this state.

During the first sessions of the Security Council and General Assembly, many people became alarmed because there were sharp disagreements on several issues. But I believe it was healthy to get these issues and these disagreements out into the open. That is one of the main functions of the U. N. O. When other disagreements occur in the future, let us not get too excited about them. In our going world democracy, in the parliament of man, there will always be debate. The big, important, positive fact now is that Soviet Russia, America and the other United Nations are cooperating together in this new international organization. And this means that, in spite of everything, a real start has been made towards building peace and friendship throughout the earth.

. . . . . .

TEXT OF ADDRESS BY THE HONORABLE OSCAR LANGE, POLISH AMBASSADOR TO THE UNITED STATES, AT GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21st, 7 P.M. AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

I am happy to be able to speak today at a celebration of the joint anniversaries of George Washington, the founder of the Army of the American Revolution, and of the Red Army, the armed force created by the Great Russian Revolution. I am particularly happy to be able to speak under the auspices of the National Council of American-Soviet Friendship.

Poland, the country in whose name I speak, has a particular interest in the friendship and good relations between the United States and the Soviet Union. Our interest in the friendship between these two great powers is a simple one. It is the interest in peace.

Few nations have such a strong realization of the meaning of war and of the value of peace as the people of Poland. For no other nation has suffered as much from the destruction and ravages of war and of German occupation. It is sufficient to tell that more than six million people in Poland perished during the war and occupation. The ruins of Warsaw, which has been destroyed like no other city in the world, are witness of the suffering to which the war has subjected the Polish people.

Under these conditions it should be clear to everybody that the Polish people and the Government of the Polish Republic has only one primary objective, namely, the maintenance of a stable and durable peace. For this, our objective, friendship and cooperation between the United States and the Soviet Union are absolutely necessary. They are also necessary in order to enable us to reconstruct our country.

Poland is now emerging as one of the most important economic centers of Europe. Due to the acquisition of Silesia one of the major industrial centers of Europe has passed into Polish hands. Due to the acquisition of a large Baltic coast Poland is becoming one of the major maritime nations and will engage actively in world trade.

In this geographic and economic position Poland wants to maintain friendly relations, both political and economic, with the United States and with western Europe as well as with its Soviet neighbor. But this is possible only if the United States and the Soviet Union are in friendly cooperation with each other, economic as well as political.

Poland has already entered into economic cooperation with the Soviet Union. The Soviet Union is providing considerable aid in Poland's reconstruction. For instance, the Soviet Government has assumed the responsibility for half of the reconstruction costs of Warsaw. This was done as a gift to the Polish people. But we count also on economic cooperation with the United States. We count on American aid and American resources to help to develop the great agricultural, industrial and commercial possibilities of Poland. For this purpose we shall need American credits and investments all based on sound business principles.

The greatest fact in modern Polish history is that Poland owes to the Red Army her liberation from the cruelties and brutalities of German occupation. It is difficult for those who have not directly endured German occupation to realize the extent of its brutality and inhumanity. But the ruins of Warsaw under which more than a quarter million people have been buried, the more than six million dead (among them 3½ million Jews), the ovens in the extermination camps of Maidenak and Oswiecim in which millions of people were subjected to the most inhuman cruelties and later cold-bloodedly murdered, are a standing witness of it.

These horrors have been put to an end by the victorious advance of the Red Army which helped the Polish people to

drive the Germans out of the country. Due to the help of the Red Army, the Polish people are once more free to develop their own national life in full freedom and independence. The fact that Poland was liberated by the Red Army is of such great historic importance because it has provided the basis of a permanent friendship between the Polish nation and the nations of the Soviet Union. This friendship has come to stay. Nobody should be mistaken about it and all those who speculate about disrupting this friendship will be heavily disappointed. All attempts to promote such disruption will prove a total political failure. The fellowship created by the common struggle of Polish and Soviet soldiers cannot be extinguished.

Of course there are difficulties. One hundred and fifty years of past history cannot be changed in one year. Then there are also the normal difficulties which result from a foreign army being in a country. There were problems with the American Army in Britain and France. And there are also problems with the Red Army being in Poland. But these problems are temporary.

The Red Army has come to Poland, has liberated 3
the Polish people and is going home again. Out of six million Soviet troops which passed through Poland to Germany and then back again only about two hundred thousand have remained on Polish territory and these will leave too. But the memory of the German occupation and the memory of Poland's liberation by the Red Army will stay for generations.

For generations to come old people will tell their children and their children's children the great saga of Germany's attempt to destroy and exterminate the Polish people; the great saga of Poland's resistance and of how Poland has been liberated by the Red Army. And this saga which will be transmitted from generation to generation will be the basis of the permanent friendship between Poland and the peoples of the Soviet Union.

This friendship removes one of the causes of international disturbance. It is therefore one of the foundations of the peace of the world.

. . . . . .

TEXT OF ADDRESS BY THE REVEREND WILLIAM HOWARD MELISH, ASSOCIATE RECTOR, CHURCH OF THE HOLY TRINITY, BROOKLYN, N. Y., AT GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P.M. AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd, 1946.

The American People have always recognized the right of other peoples to determine their own form of government. When the Russian Revolution occurred, true Americans rejoiced in the aspirations of the Russian masses. In his opening address before the Peace Conference, Woodrow Wilson said: "There is . . . a voice calling . . . which is, it seems to me, more thrilling . . . than any of the moving voices with which the troubled air of the world is filled; it is the voice of the Russian People." The President told the hostile inner Council of Ten at Paris, "There are men in the United States of the finest temper . . . of the finest judgment, who are in sympathy with Bolshevism because it appears to them to offer that regime of opportunity to the individual which they desire to bring about."

The American Spirit did not die with Wilson. It lived on among those men and women whom he described as "of the finest temper" and "the finest judgment." They saw arising in the Soviet Union a society which provided its people with greater opportunity. They believed it was to the interest of the United States to understand what was taking place, not to be alienated by new political and economic forms, but to encourage as a good thing this emergence of a stable and productive society shared by one-tenth of the world's population.

One of these "finest" Americans became the great architect of the coalition that won the victory which preserved America. Was this un-American? He looked beyond the war and sought to lay foundations for a United Nations' Organization. In this world-concern, Franklin Roosevelt, far from being un-American, was the practical spokesman and conserver of American Democracy.

The Roosevelt foreign policy was more than one man's leadership. Behind it lay an informed public opinion. Franklin Roosevelt could appeal to the people because of the long years of patient education and persistent organization which had been carried on by other lovers of America like himself.

Most active and vocal among these was the man whom we are here to honor tonight. He went to the Soviet Union. He came back and told the truth. He saw that these people were organizing the first socialist state in history, and he wrote a book, "You Might Like Socialism." This very week his latest volume is off the press, "The Peoples of the Soviet Union." It tells the basic and admirable facts of ethnic democracy in the U.S.S.R.

Corliss Lamont has never sold the Russians either long or short. He has retailed the facts, and history has confirmed his statements. He did not content himself with writing. He knew that relatively few read such books. To educate and enlist a nation, even in an obvious cause, there are required public meetings and a movement. Today, American-Soviet Friendship is a living cause because Corliss Lamont had the courage and the imagination to make it so.

Joseph E. Davies has wired tonight, "I have for him a very affectionate regard and the greatest respect." Harold Ickes has telegraphed, "He has immeasurably aided the cause of American-Soviet cooperation." Senator Thomas asserts, he is "to be credited with advancing the welfare of millions." Helen Gahagan Douglas states, "He has contributed as much as any man living towards permanent

peace." And overseas from the Dean of Canterbury comes this cable, "Corliss Lamont's services to America and Russia and world peace . . . place all in his deep debt." I wish I could read the other tributes that have poured in all day, from William Rose Benet, Paul Robeson, Lily Pons, Ralph Barton Perry, Channing Tobias, Frederick L. Schumann, Presiding Bishop Tucker, Stanley Isaacs, Saul Mills, Congressman Coffee, Edward G. Robinson and many, many others.

Tonight we pay tribute to Corliss Lamont not only for what he has done across the years, but also for what, above all other citizens, he is now peculiarly able to do. He has won the right to speak and be heard. The enemies of American-Soviet Friendship understand this well enough as we can visibly see in Washington. This binds us all the more to Corliss Lamont. With esteem and affection we salute him tonight and we turn to him to learn . . . what things we are to do together in the crucial months ahead. Corliss Lamont!

• • • • • • • • • • •

TEXT OF ADDRESS BY MAJOR-GENERAL ILIA M. SARAYEV, MILITARY ATTACHE OF THE U.S.S.R., AT GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P.M. AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

Today the National Council of American-Soviet Friendship celebrates two anniversaries, both of them are of great importance. One is the birthday of George Washington, another—the Red Army Day.

The name of George Washington is closely connected with the history of this country, its struggle for independence and democracy.

George Washington was the first commander-in-chief of all the armed forces of the young state and it was he who laid the foundations for the further development of the country.

On the very same day, the peoples of the Soviet Union celebrate the 28th anniversary of the Red Army, organized, trained and armed by the people of our state for safeguarding of independence, freedom and democracy in our country.

In the greatest war ever known in history, the Red Army, together with the armies of our allies, won the brilliant victory over Nazi Germany and Japan. The whole world has witnessed the might of the Red Army, the heroism of its fighters and the great skill of its officers. The Red Army was the only army in Europe which could not only withstand the furious attacks of the Nazi aggressors but it could also overthrow the enemy and set the banner of victory in the center of the fascist lair—Berlin.

The powerful coalition of three great countries—the Soviet Union, the United States of America and Great Britain—played a decisive role in the accomplishing of victory and helped the peoples of the Soviet Union and the United States to know each other better.

Now, when the war is over, the people of the Soviet Union started the rehabilitation of their economy damaged by war. The efforts of the people are directed to the development of industry, agriculture and science.

The elections to the Supreme Soviet of the Soviet Union, recently showed a very high level of people's activity. 99.5 percent of the registered voters took part in the election of delegates to the Supreme Soviet.

The war was the test for the people of the Soviet 2
Union which proved the great strength of the Soviet State, peoples devotion to their motherland and cooperative spirit between the various nations of the Soviet Union. The war also proved that the progressive coalition of the great powers was essential for the accomplishment of vic-

tory and further maintenance of peace and security in the post-war period. The war strengthened the friendship between our two peoples which ought to be the very foundation of post-war cooperation between the Soviet Union and the United States.

. . . . . .

TEXT OF MESSAGE FROM THE HONORABLE ANDREI A. GROMYKO, SOVIET AMBASSADOR TO THE UNITED STATES, TO GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P. M., AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

Greetings to the participants of the meeting marking two outstanding dates, the 28th Anniversary of the Red Army and George Washington's Birthday.

The Red Army is the favorite of the Soviet people. Several months have passed since the war against Fascist Germany and against the Japanese aggressor ended. The Red Army accomplished its great historic mission with honor, having defended the freedom and independence of our country. The Red Army is proud that its comrades in arms in this war were the sons of the American people, who bravely fought against our common enemy.

The enemy has been utterly defeated as a result of the joined efforts of the peoples and armed forces of the Allies. The Soviet people, who more than once defended their freedom and independence, highly appreciate the traditions of struggle of the United States for their independence, which is connected with the name of George Washington. Let this meeting serve the cause of further strengthening of the mutual understanding between our peoples and collaboration between our nations in the interest of strengthening peace and security throughout the world.

. . . . . .

TEXT OF MESSAGE FROM PHILIP MURRAY, PRESIDENT OF THE CONGRESS OF INDUSTRIAL ORGANIZATIONS, TO GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P. M., AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

I regret that I am unable to attend your dinner on February 21st, but am glad to send you my greetings.

It is my belief that there is never an inopportune time to do all we can to promote friendship and understanding between peoples. Any time is appropriate to carry on activity which has such a worthwhile goal. All labor union members will seek to strengthen the bonds of common interest which tie them to their brothers abroad. When governmental diplomatic relations grow strained, we must remind ourselves that the future,—even the very existence,—of the world depends on our success in preserving friendship with the people of other nations.

All our efforts must be devoted to continuing in the future the cooperation between the American and the Soviet unions, which proved so helpful in the past.

The reconversion and reconstruction period which lies ahead holds difficulties for both our peoples. True that difficulties of the C. I. O. are not the same as those of the Soviet trade unions. Just as we received from the Soviet trade unions sympathy and understanding for our efforts to achieve a prosperous expanding economy, so we extend to the Soviet workers our best wishes and sincere hope that their efforts to achieve the better and fuller life will be crowned with success.

. . . . . .

TEXT OF MESSAGE FROM SENATOR CLAUDE PEPPER TO GEORGE WASHINGTON'S BIRTHDAY AND RED ARMY DAY CELEBRATION DINNER, THURSDAY, FEBRUARY 21ST, 7 P. M., AT THE HOTEL WALDORF-ASTORIA.

ADVANCE RELEASE
For Friday morning papers
February 22nd 1946.

You who aid this great and moving testimonial in the cause of Soviet-American understanding are laying an enduring foundation of world peace and well being. But you must know that this great cause is not without its traducers and that the hiss of the isolationists can already be heard. It is a rattlesnake lying in wait to strike at the peace of the world.

Those who know the unbroken history of friendship between the Soviet Union and the United States, those who know our comradeship in the ordeal of war, and those who know the impelling logic of our accord and cooperation know that the United States and the Soviet Union must and shall be friends.

Be assured that as the God of War will frown upon you, the God of Peace is with you.

. . . . . .

Defendant's Exhibit No. 68.

PROCEEDINGS.

American-Soviet Building Conference.

Architects Committee of the National Council of American-Soviet Friendship.

The American Soviet Building Conference was called by the Architects Committee of the National Council of American Soviet Friendship for the purpose of initiating an exchange of building information between the two countries, and specifically to acquaint visiting Soviet specialists with American building developments relevant to Soviet reconstruction needs.

It was opened with a dinner meeting of a general nature, addressed by John B. Blandford, Jr., National Housing Agency Administrator; E. C. Ropes, Chief of the Russian Unit of the Department of Commerce; Thomas S. Holden, President of the F. W. Dodge Corporation and M. M. Gousev, President of the Amtorg Trading Corporation. The next day was devoted to four all day panel conferences on topics chosen in conjunction with visiting Soviet architects and engineers. For each subject, leading American and Soviet specialists were brought together to formulate the questions of greatest interest to each party, and to lead discussion on aspects assigned to them. In addition to these informal presentations, there was general discussion from the floor.

The conference sessions were attended by some 250 American and some 50 Soviet participants. The panel on Prefabrication was conducted in collaboration with the Technical Committee of the N. Y. Chapter of the A.I.A.

This publication is a condensation of the transcript taken at the four panel sessions. It was prepared under the editorship of Louise Cooper and James Fitch, Jr., and was made possible through the courtesy of the Architectural Forum.

• • • • • • • • • •

APPENDIX 205

Architectural Organizations in the U.S.S.R.

The Committee on Architecture

State management of architectural work in the USSR is effected by a special government department, the Committee on Architecture under the Council of People's Commissars of the USSR. This committee has its local bodies —Boards of Architecture—in all the Union republics, and project design offices attached to the regional and city Soviets.

The Committee supervises, coordinates, and controls the activities of the various organizations and institutions in

the field of architecture, its main province being the planning and restoration of cities and other populated places, also the type-planning of housing, industrial, and civic construction. The Committee exercises architectural control over the more important projects for new structures and city planning. The preservation of architectural monuments is also under its jurisdiction.

* * * * * * * * * *

Defendant's Exhibit No. 69.

BULLETIN OF THE COMMITTEE ON EDUCATION.

* * * * * * * * * *

Vol. I, No. 3 January-February 1946

CONTENTS

Physical Education in the Elementary and Secondary Schools in the U.S.S.R., P. A. Rudnik ..... Page 1
System of Public Education in the U.S.S.R. (con'd) Page 7
Soviet Literature for High Schools, Marc Slonim... Page 9
Notes on Russian Studies ..... Page 12
A Portland, Oregon High School Studies Russian, Marjorie McDonald ..... Page 13
Notes on American Studies in the Soviet Union .. Page 15
Notes on Conferences and Activities of Local Committees ..... Page 16
New Books ..... Page 20

* * * * * * * * * *

Cinema in the Soviet Union 5

Like the Americans, the people of the Soviet Union are inveterate moviegoers. Queues of cinema fans and crowds streaming out of large movie palaces are as usual a sight in Moscow as they are in New York City. The largest motion picture theatre in Moscow, the "Udarnik", is visited by 350,000 people every month. Built just before the war,

the "Rodina" runs performances in two halls simultaneously and thereby serves 6,000 moviegoers every day.

* * * * * * * * * *

The film as an educational medium is particularly 6
evident in the quality of pictures produced for the young people of the Soviet Union. During the war the children of Moscow acquired three new houses all to themselves—the "Pobeda", the "Young Spectator" and "The October". These cinemas have libraries, game rooms and studios where lessons in singing, dancing and reciting are given to members of the young audience. The lobbies are, of course, colorful and crowded because it is quite customary before the show to have preliminary performances given by circus artists, puppeteers or young amateurs themselves. There is, in fact, a Soviet film studio that specializes in pictures for and about children.

* * * * * * * * * *

Defendant's Exhibit No. 83.

STOP HEARST'S SEDITIOUS ATTACK ON OUR SOVIET ALLY.

* * * * * * * * * *

HEARST IS AT IT AGAIN!

This arch enemy of democracy is now attacking our brave ally, the Soviet Union. Hearst calls Stalin, the head of the Soviet government, "a hijacker" and "a stick-up" and says he "negotiates and cooperates with our enemies."

By such attacks Hearst is doing Hitler's "job." Hitler's propagandists are working overtime to divide the United Nations. Hearst's poison pen columnists are working overtime doing the same thing—thinking up new lies to tell and new names to call our Soviet Ally.

Hearst of course never mentions that the Soviet Union has sacrificed more to defeat Hitler than the rest of the United Nations combined—over 4½ million in the field, and an estimated 16 million civilian casualties principally in oc-

* Editor's note.

cupied areas, not to speak of cities ruined and hundreds of thousands of square miles of scorched earth.

The Hearst hate campaign has reached a climax in the last few weeks. Why? Because Hearst sees the writing on the wall. He knows that the logic of events and the will of the people of the two allied countries are going to bring ourselves and the Russians into very close cooperation very quickly, because such cooperation is a vital necessity to shorten the war and to lay the basis for an enduring peace.

President Roosevelt has repeatedly warned that to sow distrust among the allies is to serve the enemy. In February he told the American people:

"In an attempt to ward off the inevitable disaster that lies ahead of them the Axis propagandists are trying all their old tricks in order to divide the United Nations. . . . The Nazis must be frantic indeed if they believe that they can devise any propaganda which would turn the British and American and Chinese governments and peoples against Russia or Russia against the rest of us."

On July 28 President Roosevelt said:

"The world has never seen greater devotion, determination and self-sacrifice than have been displayed by the Russian people and their armies under the leadership of Marshall Joseph Stalin.

"With a nation which, in saving itself, is thereby helping to save all the world from the Nazi menace, this country should always be glad to be a good neighbor and a sincere friend in the world of the future."

Why Hearst Attacks Our Soviet Ally

What is Hearst's stake in whipping up distrust of the Soviet Union? Let's look at the record. Hearst is the man who for years openly idolized fascism and its dethroned leader Mussolini. He hired Mussolini to contribute to his papers. In 1934 he visited Hitler and sold the Nazi government his news services. His papers fawned editorially

on the Nazi and fascist regimes. He paid Hitler, Goering, Goebbels and Ribbentrop $1.00 a word to spread their fascist poison into American homes.

The defeatist, reactionary and undemocratic forces in this country of which Hearst is a spokesman seek to divide us from the Soviet Union in order that fascism shall emerge at least semi-intact from the war as a future menace to democracy. In other words they are against unconditional surrender and for a negotiated peace.

The great multitude of Americans who are giving the best that is in them for the defeat of Hitler, the mothers and fathers whose sons have died by the thousands to achieve this goal, should rise in their wrath to demand that Hearst and his journalistic bed-fellows, the New York Daily News, the Chicago Tribune and the Washington Times Herald cease their slanderous attacks on the Soviet Union.

You as an individual and the organizations to which you belong, have a resonsibility on this matter. There are several things which you can do.

1. Write letters to the Hearst or other papers in your community which attack the Soviet Union and seek to divide us from our ally, condemning their tactics.

2. Cease to patronize such papers.

3. Write letters to the win-the-war papers criticizing the anti-Soviet utterances of the defeatist press.

4. Most important of all. Write to Attorney General Biddle yourself and also persuade organizations to which you may be affiliated to pass resolutions to send to Attorney General Biddle and to the President urging that Hearst be prosecuted for sedition.

The time to act is now. The stake of our country in victory over the Nazis and fascists and Japanese is menaced by those who have treachery in their hearts. Let us hear from you as to any action you make take.

National Council of American-Soviet Friendship, Inc., 232 Madison Avenue, MUrray Hill 3-2082, New York 16, N. Y. Edwin S. Smith, Executive Director.

Defendant's Exhibit No. 84.

FACTS ABOUT THE SOVIET UNION.

* * * * * * * * * * *

Defendant's Exhibit No. 85.

OPEN LETTER TO THE AMERICAN PEOPLE ON AMERICAN-SOVIET FRIENDSHIP.

Introduction by Corliss Lamont.

* * * * * * * * * * *

INTRODUCTION 2

By Corliss Lamont

The National Council of American-Soviet Friendship initiated this Open Letter to the American People as an answer to those divisive forces in our country who are more concerned with stirring up hatred and fear of the Soviet Union than with strengthening the United Nations coalition and winning the war.

The immediate and whole-hearted response from the eleven hundred individuals who joined with us in issuing this Letter is evidence of the extent to which leading Americans in every field of endeavor and every section of the country are aware of our enormous debt to our Soviet ally and of the mortal danger to our present security and future well-being represented by the anti-Soviet campaign.

The text of the Open Letter, in slightly abridged form, has already appeared as a page advertisement in the New York Times; and its contents were the subject of an impressive meeting held by the National Council in Carnegie Hall, New York City, on May 20, 1943. We are herewith publishing it in full, with as many signatures as space permits, so that its message may reach every section of the country, awakening Americans everywhere to greater vigilance against those groups and individuals who wittingly or unwittingly serve the enemy by undermining American-Soviet cooperation and the unity of the United Nations.

* * * * * * * * * * *

AN OPEN LETTER TO THE AMERICAN PEOPLE 5

Every patriotic American has reason to be alarmed over the new wave of anti-Soviet propaganda that has arisen in the United States during the first part of 1943. This campaign against Soviet Russia, reviving old fears and prejudices, threatens to undermine American-Soviet friendship, and to divide us from our great Russian ally in war and in peace.

• • • • • • • • • • •

DIVIDING AMERICA FROM ENGLAND 7

The anti-Soviet campaign is also used in an attempt to divide the United States from England, which has cemented its Soviet alliance with a twenty-year treaty of mutual assistance. An editorial in the London "Times" urging a greater realization on America's part of the need for close cooperation with the Soviet Union was utilized for attacks on both England and Russia, and for hampering Anthony Eden's efforts to strengthen the Anglo-American-Soviet coalition.

• • • • • • • • • • •

Let us do everything in our power to cement our 9
alliance with the Soviet Union, and in cooperation with Great Britain and China to further the great coalition of the United Nations. Let us strengthen every joint action needed to win the war and in this process lay the lasting foundations of post-war peace.

With our country's own freedom and security at 10
stake in these vital issues, we believe that every patriotic American will join us in calling for enduring American-Soviet friendship; the defeat of every attempt to disrupt Allied unity; the earliest possible invasion of Europe; the speedy victory of the United Nations over the Axis.

Among the signers:

• • • • • • • • • • •

How You Can Further American-Soviet Friendship

The facts as set forth in our Open Letter, and their complete substantiation by subsequent developments, emphasize the vital importance of the work of the National Council of American-Soviet Friendship.

The Council was organized for the following purpose:

To promote better understanding and strengthen friendly relations between the United States and the Soviet Union as essential to the winning of the war and the establishment of world-wide democracy and enduring peace.

The Council carries out this purpose through the following main methods:

1) By meeting the demand of the American people for reliable information on all aspects of Soviet life.

2) By giving them an opportunity to express their admiration and friendship for our Russian ally, and

3) By taking specific action against anti-Soviet propaganda aimed at dividing the United Nations.

Our Open Letter is an expression of Point 3 of our program. Here are our suggestions for further steps to make the Open Letter an effective instrument for greater unity our war effort:

1) Arrange for a meeting in your locality to discuss the importance of American-Soviet Friendship and the dangers of anti-Soviet agitation. Arrange to have these issues discussed from the platform of organizations or groups to which you belong. (The National Council of American-Soviet Friendship will be glad to assist insofar as possible, in supplying an appropriate speaker.)

2) Get your organization to pass a resolution embodying the main points in our Open Letter. Send copies to President Roosevelt, your Congressmen and Senators, the State Department, the press.

3) Write or wire President Roosevelt fully supporting the Administration policy of the closest possible American-

Soviet relations and urging an immediate full-scale invasion of Europe to speed victory over the Axis.

4) Write or wire your Congressmen and Senators urging action against every anti-Soviet move in Congress (i.e., the "Beat Japan First" campaign) and support of every move for closer American-Soviet cooperation.

5) Answer any local manifestation of anti-Soviet activity through letters to the press.

6) Make sure that your local motion picture house is planning to show the great Warner Brothers' picture "Mission to Moscow" based on former Ambassador Joseph E. Davies' book, one of the most important contributions yet made toward building a real understanding of our Soviet ally among the American people and strengthening American-Soviet Friendship.

* * * * * * * * * * *

Defendant's Exhibit No. 91.

INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES.

Citations by Official Federal Government or State or Municipal Agencies or Reliable Private Organizations Regarding the Character of Organization Named.

Reported by Committee on Un-American Activities

House of Representatives

Seventy-Ninth Congress

Second Session

* * * * * * * * * * *

May 29, 1946, at Washington, D. C.

* * * * * * * * * * *

LETTER OF TRANSMITTAL

House of Representatives,
Committee on Un-American Activities,
Washington, May 28, 1946.

Hon. John S. Wood,
319 House Office Building,
Washington, D. C.

Dear Mr. Chairman: I transmit herewith the list of organizations, together with pertinent data, as compiled by our investigative staff from the records and papers in the files of the committee. The committee clerk, John W. Carrington, has edited the list.

This is in compliance with the resolution unanimously adopted by the committee directing the compilation of this material.

Yours very truly,

ERNIE ADAMSON, *Chief Counsel.*

* * * * * * * * * * *

Abraham Lincoln Brigade or Battalion 1

1. Aid to the leftist armies in Spain has been one of the major activities of all Communist organizations, particularly in the recruiting for and support of the Abraham Lincoln Brigade (Massachusetts House Committee on Un-American Activities, report, 1938, p. 183).

2. Received money raised by the Communist Party of Massachusetts (Massachusetts House Committee on Un-American Activities, report, 1938, p. 562).

3. Cited as a Communist-front organization by Pennsylvania Commonwealth counsel before the reviewing board of the Philadelphia County Board of Assistance, January 1942.

4. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944.

* * * * * * * * * * *

Allied Labor News

1. "A straight Communist news agency" (New Leader, March 3, 1945, p. 10).

• • • • • • • • • • •

American Artists Congress

1. Cited as under Communist control, influence, or in collaboration with the Communist Party by the Committee for Cultural Freedom, Prof. John Dewey, chairman, April 1940.

• • • • • • • • • • •

American Committee for Democracy and Intellectual Freedom

1. Formulated and circulated petition "to discontinue the Dies committee created by Congress for the purpose of gathering information on subversive organizations and individuals in the United States." (New York City Council committee investigating the municipal civil service commission, pt. II, p. 73).

2. Cited as a Communist front by the Special Committee on Un-American Activities, June 25, 1942.

3. Cited as "subversive and un-American" by the special subcommittee of the House Committee on Appropriations, report, April 21, 1943 (p. 3).

4. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 47, 49, 87).

American Committee for the Protection of the Foreign-Born

1. Cited as under Communist control, influence, or in collaboration with the Communist Party by the Committee for Cultural Freedom, Prof. John Dewey, chairman, April 1940.

2. Cited as a Communist front by the Special Committee on Un-American Activities, June 25, 1942.

3. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 40, 47 ff., 87, 97, 112, 120, 129, 155, 167, 174).

. . . . . .

American Labor Party 4

1. Support of the Communist Party to the above has been recognized by the appointment of a Communist to an official position in the city government (Massachusetts House Committee on Un-American Activities, report, 1938, p. 356).

2. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 49, 77 f. 153, 189).

. . . . . .

Civil Rights Council for Northern California 10

1. Cited as Communist dominated (California Committee on Un-American Activities, report, 1943, p. 97). Branch of the National Federation for Constitutional Liberties (ibid.).

. . . . . .

Congress of American Soviet Friendship 12

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 94, 143).

. . . . . .

Harry Bridges Defense Committee 17

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 90, 94, 177).

. . . . . .

Jewish Freiheit 20

1. Listed in the cash receipt record of the Communist Party, Boston, 1937 (Massachusetts House Committee on Un-American Activities, report, 1938, p. 568).

. . . . . .

League of Women Shoppers 22

1. "Communist inspired and therefore Communist dominated and controlled" (California Committee on Un-American Activities, report, 1943, p. 100).

2. Cited as under Communist control, influence, or 23
in collaboration with the Communist Party by the Committee for Cultural Freedom, Prof. John Dewey, chairman, April 1940.

3. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 40, 48, 121, 159, 181).

4. Cited as a Communist front (California Committee on Un-American Activities, report, 1943, p. 91) (Hollywood League for Women Shoppers).

• • • • • • • • • •

National Council of American-Soviet Friendship 26

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 112, 120, 129, 149, 156, 167).

• • • • • • • • • •

National Lawyers Guild

1. "The late Frank P. Walsh, Comptroller Joseph D. McGoldrick, Judge Ferdinand Pecora, Hon. Adolph Berle, Assistant Secretary of State; Nathan Margold, Solicitor to the Department of the Interior, and others, have resigned from the organization on the ground that it is Communist-dominated" (New York City Council Committee investigating the Municipal Civil Service Commission, pt. II, p. 55).

2. Cited as a Communist front (California Committee on Un-American Activities, report, 1943, p. 98), A. A. Berle, Jr., Assistant Secretary of State, in his letter of resignation dated June 5, 1940, stated that the leadership is not prepared "to take any stand which conflicts with the Communist Party line."

3. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 147, 149).

. . . . . .

Schappes Defense Committee 33

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 7, 49, 71, 102, 112, 120, 155, 179).

Schneiderman-Darcy Defense Committee

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 17, 95).

2. "Created early in 1940 for the defense of William Schneiderman, California State secretary of the Communist Party, and Sam Darcy, the former district organizer of the Communist Party in California" (California Committee on Un-American Activities, report, 1943, p. 97).

. . . . . .

Scottsboro Defense Committee

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (p. 177).

. . . . . .

Southern Conference for Human Welfare 34

1. Cited as a Communist front by the Special Committee on Un-American Activities, March 29, 1944 (pp. 48, 148).

. . . . . .

Zero Hour Parade 42

1. Cited as an organization "of Communist complexion" (New York City Council Committee investigating the Municipal Civil Service Commission, pt. II, p. 88).

Defendant's Exhibit No. 81.

January 10, 1946

Dear Congressman Wood:

This is to confirm my oral request for an extension of the return date in the subpoena which was served on me as Chairman of the National Council of American-Soviet Friendship, directing me to appear before the Committee on Un-American Activities on January 23 with a simply enormous amount of material from the files of the National Council dating from its inception.

The extension which I request is from the present date of January 23 to any date which you may select after February 5.

I ask for this extension because consideration of and preparation on the matters raised by your subpoena, which involves affiliates as far away as the West Coast, require an inordinate amount of my time and the time of a number of other persons connected with and employed by the National Council, as well as consultation with New York and Washington counsel for the organization who have crowded calendars and consequently are not easily available.

The weighty problems raised by your subpoena and the tremendous amount of work involved in connection therewith make the requested extension essential. We understand that you will take this matter up with your Committee and that I am to telephone you about it at Washington next Tuesday, January 15.

Respectfully yours,

CORLISS LAMONT,
Chairman.

• • • • • • • • • •

United States Court of Appeals

FOR THE

DISTRICT OF COLUMBIA CIRCUIT

No. 9854

RICHARD MORFORD, APPELLANT

v.

UNITED STATES OF AMERICA, APPELLEE

Appeal from the District Court of the United States for the District of Columbia (now the United States District Court for the District of Columbia)

Argued February 28, 1949 Decided June 13, 1949

Mr. David Rein, with whom *Mr. Abraham J. Isserman*, appeared on the brief, for appellant.

Mr. Charles B. Murray, Assistant United States Attorney, with whom *Mr. George Morris Fay*, United States Attorney, appeared on the brief, for appellee. *Mr. Sidney S. Sachs*, Assistant United States Attorney, also entered an appearance for appellee.

Before CLARK and WILBUR K. MILLER, JJ., and GEORGE C. SWEENEY, District Judge, sitting by designation.

WILBUR K. MILLER, J.: Richard Morford appeals from a judgment of the United States District Court for the District of Columbia sentencing him to three months imprisonment and imposing a fine of $250.00 for violating 2 U. S. C. A. § 192, 52 STAT. 942, which is as follows:

> "§ 192. *Refusal of witness to testify.* Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months."

The first of the indictment's two counts charged that on March 6, 1946, Morford refused to produce to the House Committee on Un-American Activities records of the 1945 receipts and disbursements of the National Council for American-Soviet Friendship, Inc., although he had been summoned to do so. The second count accused him of refusing to give the names of his organization's publications committee who had prepared and edited a publication called the "Reporter". He was convicted on both counts.

Undisputed evidence showed he had in his possession the information sought by the Committee, and that he refused to furnish it. Not only did Morford tell the Committee he would not produce it; he filed with that body as exhibits a resolution of his Board of Directors directing its staff "to resist to the maximum limit permissible under the law, the production of the books and records of the Council . . ." and a letter to a member of the Committee from the chairman of the National Council which began thus:

> "The National Council of American-Soviet Friendship, by unanimous vote of its Board of Directors, has decided not to accede to the surprising request of the House Committee on Un-American Activities that it be permitted to send in investigators to examine the organization's books and records."

The letter was in answer to the Committee's offer to send its investigators to the Council's office in New York to obviate any inconvenience to it which might be caused by bringing its books and records to Washington.

Thus the evidence showed a deliberate, studied, admitted refusal to furnish the requested information, exactly as charged in the indictment. The appellant says there was no criminality in the refusal because, as he contends, ". . . the government failed to prove that the documents subpoenaed and the question asked were pertinent to any matter of inquiry committed to the Committee by Congress." Upon this contention he dwells at length and relies heavily for reversal.

The "matter of inquiry committed to the Committee" by House Resolution No. 5 of the 79th Congress was the investigation of ". . . the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution . . ." In *Barsky* v. *United States*, 83 U. S. App. D. C. 127, 167 F. (2d) 241, we held that to be a valid authorization.

Obviously the first step in an investigation authorized by House Resolution No. 5 is to determine whether the propaganda being diffused is in fact subversive in the sense of the term as used in the Resolution.

The National Council of American-Soviet Friendship stated one of its objectives as being ". . . to take specific action against anti-Soviet propaganda aimed at dividing the United Nations." The purpose may have been innocent enough in itself; but it was implemented by a flood of propaganda pro-Soviet in character, consistently critical of the foreign policy of the United States. This pro-Soviet propaganda was in the hands of the Congressional Committee before the issuance of the subpoena for Morford. The National Council

unstinted praise of the communistic regime in Russia, and its comparison of Soviet official behavior with that of the United States to the disparagement of the latter, led logically to the Committee's conclusion that here was such strong indication of an attack on the *principle* of our form of government as to justify inquiry.

Power to investigate the diffusion of subversive propaganda would be sterile indeed if it did not include the right to investigate the person or organization engaged in diffusing it. Having properly decided the literature before it was of the nature described in the Resolution, the Committee had the authority to investigate its issuer, the National Council for American-Soviet Friendship.

If inquiry was justified, as we think it was, there can be no quarrel with the form the inquiry took. As to the Committee's request for the names of the persons who produced the sometimes shocking publication called the "Reporter", it is enough to note that "Personnel is part of the subject", as we said in *Barsky* v. *United States, supra.* Equally pertinent was the Committee's request for the records of receipts and disbursements, as in such circumstances it is of urgent importance that Congress know where such an organization gets its money, and exactly what it does with it. The District Court's finding that, as a matter of law, the questions were pertinent was abundantly justified.

The appellant next complains that the indictment is ambiguous because the statute under which it was drawn furnishes no standard by which a witness can determine whether a question is pertinent. Authoritative determination of pertinency is a function of the court; and the witness acts at his peril in refusing to answer. In *Sinclair* v. *United States*, 279 U. S. 263, the Supreme Court had before it a prosecution under the statute involved here.[1] The Court said, at p. 298:

> "The question of pertinency . . . was rightly decided by the court as one of law. It did not depend on the probative value of evidence."

Later in the opinion, the Supreme Court added, at p. 299:

> ". . . The gist of the offense is refusal to answer pertinent questions. No moral turpitude is involved. Intentional violation is sufficient to constitute guilt. There was no misapprehension as to what was called for. The refusal to answer was deliberate. The facts sought were pertinent as a matter of law, and § 102 made it appellant's duty to answer. He was bound rightly to construe the statute. His mistaken view of the law is no defense."

As in the *Sinclair* case, there was no misapprehension here as to what was called for. If by his complaint of lack of standards, the appellant means he was furnished with no guide by which he could decide for himself whether the propaganda diffused by his organization was in fact subversive under House Resolution No. 5, the complaint is easily answered. The Resolution authorized investigation into propaganda which attacks the principle of our constitutionally-

[1] The statute under consideration in the present case is substantially the same as that discussed by the Supreme Court in the *Sinclair* case although it has been slightly amended.

(442)

guaranteed form of government. It is difficult to imagine how the standard could be further particularized, or how the test could be misunderstood. The National Council's literature either did or did not attack the principle of our form of government. It was not necessary to justify inquiry that there be an attack on our government, or an advocacy of its violent overthrow; enough if the *principle* of our form of government were attacked.

As to whether such an attack was made, Morford could not have been in doubt unless he was grossly obtuse. Of course, the National Council was not so crass as to say, "We hereby attack the principle of the form of government guaranteed by our Contitution." Subversive propaganda is more subtle than that. But sometimes, as here, it is so bold that he who runs may read. If his obtuseness caused Morford in good faith to suppose the Council's literature was innocent, he is not thereby excused for refusing to answer the Committee's questions, for we have already pointed out that he acted at his peril in personally deciding there was no attack upon the principle of our form of government in the pro-Soviet propaganda which was being sent out.

Error is further charged in the court's refusal to permit the appellant to prove that

> ". . . when the subpoena was issued against the defendant the House Committee on Un-American Activities had already passed judgment on the National Council of American-Soviet Friendship and was seeking to obtain names of persons participating in its activities and supporting it financially and otherwise, for the sole purpose of adding such names to its blacklist and to facilitate the committee's efforts to destroy the effectiveness of the National Council of American-Soviet Friendship in its advocacy of American-Soviet Friendship by placing undue burdens upon such continued advocacy."

This assignment of error charges the Committee was not acting in furtherance of a legislative purpose in seeking the information which Morford refused to give. It is held, however, that a legitimate legislative purpose is presumed when the general subject of investigation is one concerning which Congress can legislate, and when the information sought would materially aid its consideration. *McGrain* v. *Daugherty*, 273 U. S. 135, 177-8. That presumption arises here, and it cannot be rebutted by impugning the motives of individual members of the Committee.

We think it unnecessary to prolong this opinion by discussing in detail the appellant's argument that the subpoena described in the first count of the indictment was in violation of the Fourth Amendment; that it was error to refuse him access to the confidential files of the Committee other than the material therefrom adduced by the government in support of pertinency; and that the trial court erred in not excluding government employees from the jury and in refusing to ask prospective jurors some of the questions which he requested the court to ask. Suffice it to say that we have examined these contentions with care and have concluded that the trial court did not err in any of those respects.

Affirmed.

[fol. 443] [Stamp:] United States Court of Appeals for the District of Columbia Circuit. Filed Jun. 13, 1949. Joseph W. Stewart, Clerk.

UNITED STATES COURT OF APPEALS, FOR THE DISTRICT OF COLUMBIA CIRCUIT, April Term, 1949

No. 9854

RICHARD MORFORD, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee

Appeal from the District Court of the United States for the District of Columbia, now United States District Court for the District of Columbia.

Before: Clark, Wilbur K. Miller, JJ., and George C. Sweeney, District Judge, sitting by designation.

JUDGMENT

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, now United States District Court for the District of Columbia, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from in this cause be, and the same is hereby, affirmed.

Per Circuit Judge Wilbur K. Miller.

Dated June 13, 1949.

[fol. 444] [Stamp:] United States Court of Appeals for the District of Columbia, Circuit. Filed Jun. 17, 1949. Joseph W. Stewart, Clerk.

UNITED STATES COURT OF APPEALS, FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 9854

RICHARD MORFORD, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee

PETITION FOR REHEARING

Comes now the appellant by his counsel and petitions for a rehearing in the above-captioned case on the following grounds:

1. The Court in its opinion agreed with the contention of the appellant that in order to sustain the conviction of the appellant, it must first be shown that the propaganda of the National Council of American-Soviet Friendship attacked the "principle of the form of government as guaranteed by our Constitution." The opinion erroneously states that the House Committee came to that conclusion. But the record shows otherwise. At no time did the Committee ever conclude or assert that the propaganda of the Council attacked the principle of the form of government as guaranteed by the Constitution. On the contrary members of the Committee and committee counsel expressly disclaimed such conclusion (J.A. 234-235, 241-243, 247-248. Appellant's brief, pp. 16-18).

Indeed, the record shows that the Council never took any position on domestic issues or on the form of government in the United States (J.A. 142, 242).

2. The opinion of the Court nowhere recites any propaganda of the Council which attacked the "principle of the form of government as guaranteed by our Constitution." nor does it indicate what "principle of the form of government" was so attacked.

[fol. 445] 3. The opinion has apparently equated the present foreign policy of the present administration with "the principle of the form of government as guaranteed by our Constitution" and as a result has come to the conclusion that an attack on that foreign policy is an attack on "the

principle of the form of government as guaranteed by our Constitution." In this connection, it is significant to note that much of the propaganda of the Council, at the time of the alleged contempt, was in support of the then foreign policy of our administration as shown by the support given to the Council by President Truman, General Eisenhower, the then Under Secretary of State Dean Acheson (J.A. 245-247), the then Secretary of Commerce Henry A. Wallace, and Lt. Gen. Walter Bedell Smith, then Ambassador to the Soviet Union (J.A. 407-411, 419, 422, 423).

David Rein, Abraham J. Isserman, Attorneys for Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Petition for Rehearing upon the Appellee herein by mailing a copy thereof, post prepaid, to Charles B. Murray, Assistant U. S. Attorney, counsel for appellee, U. S. District Court House, Washington, D.C., this 17th day of June, 1949.

David Rein.

[fol. 446] UNITED STATES COURT OF APPEALS, FOR THE DISTRICT OF COLUMBIA CIRCUIT—April Term, 1949

No. 9854

RICHARD MORFORD, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee

Before: Clark and Wilbur K. Miller, JJ., and George C. Sweeney, District Judge, sitting by designation.

ORDER

On consideration of appellant's petition for rehearing in the above-entitled case, It is

Ordered by the Court that the petition be, and it is hereby, denied.

Per Curiam.

Dated July 8, 1949.

[Stamp:] United States Court of Appeals for the District of Columbia Circuit. Filed Jul. 8, 1949. Joseph W. Stewart, Clerk.

[fol. 447] [Stamp] United States Court of Appeals for the District of Columbia Circuit. Filed Jul. 28, 1949. Joseph W. Stewart, Clerk.

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 9854

RICHARD MORFORD, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee

DESIGNATION OF RECORD

The Clerk will please prepare a certified transcript of record for use on petition to the Supreme Court of the United States for writ of certiorari in the above-entitled cause, and include therein the following:

1. Joint appendix to briefs.
2. Exhibits not printed, but bound separately for presentation to the Court. These include Government's Exhibits 4 and 10, and Defendant's Exhibits 65, 66, 71, and 90.
3. Opinion.
4. Judgment.
5. Petition for rehearing.
6. Order denying petition for rehearing.
7. Designation.
8. Clerk's certificate.

David Rein, Attorney for Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have served the within and foregoing Designation of Record in the above-entitled cause upon Philip R. Monahan, Attorney, Department of Justice, Washington, D.C. this 28th day of July, 1949.

David Rein.

[fol. 448] UNITED STATES COURT OF APPEALS, FOR THE DISTRICT OF COLUMBIA CIRCUIT

I, Joseph W. Stewart, Clerk of the United States Court of Appeals for the District of Columbia Circuit, formerly United States Court of Appeals for the District of Columbia, hereby certify that the foregoing pages, numbered 1 to 447, both inclusive, constitute a true copy of the joint appendix to the briefs of the parties, and the proceedings of the said Court of Appeals, as designated by counsel, (with the exception of Item 2, consisting of exhibits, which is certified separately) in the case of:

RICHARD MORFORD, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee

No. 9854, April Term, 1949, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the city of Washington, this twenty-ninth day of July, A.D. 1949.

Joseph W. Stewart, Clerk of the United States Court of Appeals for the District of Columbia Circuit.
(Seal.)

[fol. 449] [Stamp:] Office of the Clerk, Supreme Court, U. S. Aug. 6, 1949.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1949

RICHARD MORFORD, Petitioner

v.

UNITED STATES OF AMERICA

STIPULATION

It is stipulated by and between the Attorney for petitioner and the Attorney for the United States of America that on the petition for certiorari in the above-captioned case, certain exhibits may be presented to the Court in their original format and these exhibits need not be printed.

The exhibits which may be so presented, provided ten copies of such exhibits are furnished to the Clerk of the Court, are Government's Exhibits 4 and 10 and Defendant's Exhibits 65, 66, 71, and 90.

David Rein, Attorney for Petitioner; Philip B. Perlman, Solicitor General, Counsel for Respondent.

Dated: July 28, 1949.

(3700)

Office - Supreme Court, U. S.
FILED
AUG 6 1949
CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1949

No. 236

RICHARD MORFORD,

Petitioner,

vs.

THE UNITED STATES OF AMERICA.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

ABRAHAM J. ISSERMAN,
DAVID REIN,
JOSEPH FORER,
Counsel for petitioner.

INDEX

	Page
Opinion below	1
Summary statement of matter involved	1
Statement as to jurisdiction	10
Statute and resolution involved	10
Questions presented	11
Reasons for granting the writ	14
1. The authority of the House Committee on Un-American Activities to subpoena financial records and correspondence of the Council, and to require the disclosing of the identity of the editors of the Council's publication	14
2. Issue of Judicial Review in Contempt Proceedings under U.S.C. Title 2, sec. 192	24
3. The jury issue	27
4. The quorum issue	29
5. The issue as to the construction of the word, willfully, in U.S.C. Title 2, Sec. 192	30
6. Issue of constitutionality of the committee	30
Conclusion	31

Cases Cited

Christoffel v. *United States*, No. 528, October Term, 1948, decided June 27, 1949	29
Dennis v. *United States*, 171 F. (2d) 986, cert. gr., June 27, 1949	28
Eisler v. *United States*, No. 255, October Term, 1948, Supreme Court of United States	30
Federal Trade Commission v. *American Tobacco Company*, 264 U. S. 298	24
Frazier v. *United States*, 335 U. S. 497	27, 28
Hale v. *Henkel*, 201 U. S. 43	24
Hartzell v. *United States*, 322 U. S. 680	30
Hormel v. *Helvering*, 312 U. S. 552	29
In re Chapman, 166 U. S. 661	26
Jones v. *S.E.C.*, 298 U. S. 1	24
Jurney v. *MacCracken*, 294 U. S. 125	19, 26
Kilbourn v. *Thompson*, 103 U. S. 168	19, 26
McGrain v. *Daugherty*, 273 U. S. 135	19, 26

Page

Olmstead v. *United States*, 277 U. S. 438 24
Screws v. *United States*, 325 U. S. 91 30
Sinclair v. *United States*, 279 U. S. 263 ..... 24, 26
Thomas v. *Collins*, 323 U. S. 516 23
United States v. *Andolschek*, 142 F. (2d) 503 27
United States v. *Beekman*, 155 F. (2d) 580 27
United States v. *Bryan*, 72 F. Supp. 58 7
United States v. *Grayson*, 166 F. (2d) 863 27
United States v. *Krulewitch*, 145 F. (2d) 76 27
United States v. *Murdock*, 290 U. S. 289 30
United States v. *Wood*, 299 U. S. 123 29
W. Va. Bd. of Ed. v. *Barnette*, 319 U. S. 624 23

CONSTITUTION, STATUTES, ETC., CITED

Constitution, First Amendment 12, 13, 14
Constitution, Fourth Amendment 12, 14, 24
Constitution, Fifth Amendment 12, 13, 14, 27
Constitution, Sixth Amendment 13, 27
Constitution, Ninth Amendment 12, 13, 14
Constitution, Tenth Amendment 12, 13, 14
Executive Order 9835, 12 Federal Register 1935 28
House Resolution No. 5, 79th Cong., 1st Sess., 91 Cong. Rec. 10, 15 (1945) 10, 12
Legislative Reorganization Act, Sec. 121(b), 60 Stat. 828 11
2 U.S.C. Sec. 192 (Rev. Stats. § 102 as amended by Act of June 22, 1938, c. 594, 52 Stat. 942), 1, 10, 13, 24, 26, 30
28 U.S.C. sec. 1254 10

MISCELLANEOUS

26 Cong. Globe 26
34 Cong. Globe 30
Official Department of Justice Press Release, June 30, 1949 23
Text of radio speech by Attorney General Clark over Gannet Radio Stations 23
Washington Post, December 5, 1947 28
Wigmore, Evidence (3rd ed.) 26

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1949

No. 236

RICHARD MORFORD,

Petitioner,

vs.

THE UNITED STATES OF AMERICA

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Richard Morford prays that a writ of certiorari issue to review a decision of the United States Court of Appeals for the District of Columbia Circuit, rendered June 13, 1949, petition for rehearing denied on July 8, 1949, which decision affirmed a judgment of the District Court of the United States for the District of Columbia (now the United States District Court for the District of Columbia) convicting petitioner of violating Rev. Stats. § 102, as amended by Act of June 22, 1938, c. 594, 52 Stat. 942, U.S.C., Title 2, § 192.

Opinion Below

The opinion of the Court of Appeals has not yet been reported. It appears in the record at 439-442.

Summary Statement of Matter Involved

Richard Morford, the petitioner herein, was convicted for his refusal to turn over to the House Committee on

Un-American Activities, herein called the Committee, certain records of the National Council of American-Soviet Friendship, Inc., herein referred to as the Council. Since a statement of the nature and program of the Council is essential to an understanding of the issues in this case, it will be desirable to set these out at the outset.

The Council was organized in 1943 for the following purpose: "To promote better understanding and strengthen friendly relations between the United States and the Soviet Union as essential to the winning of the war, and the establishment of world-wide democracy and enduring peace." (Gov. Exh. 10[1]). The Council has described its program as one "designed to carry out the above purpose (1) by meeting the demand of the American people for reliable information on all aspects of Soviet life, (2) by giving them an opportunity to express their admiration and friendship for our Russian Ally, and (3) by taking specific action against anti-Soviet propaganda aimed at dividing the United Nations." (Gov. Exh. 10).

The Council carried out this program by a number of methods including: a series of exhibits, photographic and otherwise, on life in the Soviet Union, widely circulated through museums, libraries, schools and colleges; the issuance of many pamphlets on Soviet life and American-Soviet relations, sold at book stores and public meetings; publicizing films dealing with the Soviet Union; conducting a speakers bureau; holding public meetings, rallies and dinners, attended on occasion by the highest government officials of the United States, Great Britain and U.S.S.R.;

---

[1] By stipulation certain exhibits presented at the trial were not printed in the record, but ten sets of these exhibits have been separately bound and submitted to the Court in their original format. These exhibits are Government's Exhibits 4 and 10, and Defendant's Exhibits 65, 66, 71, and 90. Accordingly, these exhibits will be referred to throughout the petition by reference to exhibit number, and no record citations will be given thereto.

issuing statements signed by prominent persons counteracting specific anti-Soviet propaganda. Much of the work of the Council was carried on by professional and cultural committees, on which served many leaders in their respective fields of endeavor. These committees included the following: Artists Committee, Paul Manship, Chairman, which together with the Metropolitan Museum of Art in New York City sponsored an exhibition of "Soviet Artists in the War" at the Museum; Architects Committee, Harvey Wiley Corbett, Chairman, which arranged for and sponsored exhibits on Soviet architecture at the Architectural League in New York, at Cornell University, and elsewhere; Dance Committee, Agnes DeMille, Chairman, which exchanged material on the dance with dancers in the Soviet Union; Music Committee, Dr. Serge Koussevitzky, Chairman, which arranged for special broadcasts and concerts of Russian music and the transmission of records to the Red Army; Theatre Committee, headed by Margaret Webster; a Science Committee, headed by Professors Walter B. Cannon, and Gilbert N. Lewis, Honorary Chairmen, and Dr. L. C. Dunn, Chairman; Education Committee, headed by Herbert Davis, President of Smith College, which organized the "Workshop of the Soviet Union" held at Harvard Graduate School of Education; and a Committee of Women, headed by Mrs. Joseph E. Davies as Honorary Chairman, which sent exhibits to the Soviet Union and held conferences dealing with women and children's problems in U.S.A. and U.S.S.R. The Council carried on its functions in various cities through local Councils. (R. 323-347; 354-359).

On November 13, 1945, Ernie Adamson, counsel for the Committee on Un-American Activities, asked the Council for certain financial data. (R. 224). The Council declined to supply the information requested, taking the position that it would gladly furnish the Committee with all of its

publications and printed material, but that the Committee had no authority to demand the financial records of the Council. (R. 225-234). This position of the Council was set out in a letter to the Committee by Mr. Corliss Lamont, Chairman of the Council:

> The activities of the National Council have been open and nation-wide and reported constantly in the public press. Our organization has nothing to conceal. Your Committee has failed to indicate in what manner the activities of the Council bring it within the scope of the investigation that the House of Representatives has authorized your Committee to make. Nor has your Committee given any reason for its demands upon us, though we have repeatedly asked for one.
>
> The National Council does not, to quote the House resolution on this matter, engage in "un-American propaganda activities." It is not "subversive" in any way; and it does not attack "the principle of the form of government as guaranteed by our Constitution."
>
> Your Committee must be aware that inherent in its request is the inference that helping the American people to understand our Soviet Ally and promoting American-Soviet amity are un-American and subversive. For us to yield to a request based on this erroneous inference would not merely cause wanton injury to the work of the National Council, but would also have a deleterious effect upon America's foreign relations and thus be of disservice to our country. In fact, the request of your Committee, if pursued, would in itself contribute to the present reckless campaign to undermine those friendly relations between America and Russia upon which the peace of the world depends (R. 233-234).

Thereafter Mr. Lamont was subpoenaed by the Committee and appeared before it on January 23, 1946. He left a statement with the Committee (Def. Exh. 65), in which he furnished more information about the Council and its activities as a basis for objecting to the Committee's sub-

poena and demand for membership and financial records. He also left with the Committee more than 50 of the publications of the Council and a report on and description of all of its activities, to support the contention in his statements that an investigation of the Council was outside of the scope of the Committee's power, and that the Committee was injuring the Council in its work and thus "contributing to the present campaign to undermine those friendly relations between America and Russia upon which the peace of the world depends." (R. 102; Def. Exh. 65, p. 3; for list of publications submitted see Def. Exh. 66, p. 4).

The publications of the Council which were left by Mr. Lamont with the Committee on January 23, though voluminous, were apparently examined by the Committee in short order. Under date of January 31, 1946 the Committee advised Mr. Lamont that he would have to testify because the Council's literature contained "political propaganda". (R. 234). He was requested to appear and did appear before the Committee on February 6, 1946, at which time he filed a statement (Def. Exh. 66), in which he renewed his objections to the Committee's investigation and demand for records, (R. 235-243). At this hearing Mr. Lamont also informed the Committee that he was not the custodian of the Council's records but that the petitioner, as the Executive Director of the Council, had custody of all records. (R. 155-156).

On February 6, 1946, the Committee issued a subpoena to the petitioner, as follows:

> To the Sergeant At Arms, or his Special Messenger:
>
> You are hereby commanded to summon Mr. Richard Marford [sic], Director of the National Council of American-Soviet Friendship, Inc., . . . to be and appear before the Un-American Activities Committee of the House of Representatives of the United States . . . and to produce all books, records, papers and docu-

ments showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945 . . . on February 20, 1946, at the hour of 10:00 o'clock A.M., then and there to testify touching matters of inquiry committed to said Committee; . . . (R. 251-252).

By arrangement Mr. Morford did not appear until March 6, 1946. On that date he refused at the hearing to produce the records and presented a statement, subscribed by Mr. Lamont and himself, asserting that the demand for the records of the Council was unconstitutional and unreasonable and made for the improper purpose of injuring the Council. (Def. Exh. 71; R. 72, 106).[2]

At the hearing the petitioner was asked to give the names of the members of the publications committee of the Council responsible for its periodical publication, the "Reporter," Congressman Mundt stating as the reason for the request that the publication contained statements "about the wisdom of which we have doubts" (R. 14). The petitioner declined to give the names "on the basis of principle". (R. 15).—After consulting counsel, he persisted in his refusal, saying in part: "I decline. This publication is a publication of the Council and will stand on its own merits. I think there is nothing in that statement that in any way can be construed as being un-American or subversive. We are entitled to an opinion, and under our rights under the First Amendment, and on that basis then, unless you can make a judgment about that this is satisfactory in proving that to be un-American and subversive, then, if it is not

[2] The transcript of the hearing was received in evidence as an exhibit which is not printed in the record as such. Pertinent portions of the transcript are, however, printed in the record as Exhibits A and B to the Supplemental Bill of Particulars (R. 7-18).

false, beyond that it is not our responsibility to furnish further information. It does not make any difference who wrote that particular article or who the particular committee was that stands behind that article". (R. 17, 18).

On March 31, 1947, an indictment was filed against the petitioner in the District Court for the District of Columbia. It contained two counts, and read in part as follows:

> Richard Morford was summoned as a witness by authority of the House of Representatives, through its Committee on Un-American Activities, to produce before the said Committee records upon the matter under inquiry committed to said Committee by the Resolution aforesaid, that is to say, all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945. He appeared before the said Committee at its session in the District of Columbia on March 6, 1946, but then and there refused to produce the said record upon the matter under inquiry and thereby wilfully made default.
>
> Richard Morford . . . was asked by the Committee who were the members of the publications committee of the National Council of American-Soviet Friendship, Inc., which prepared and edited a publication known as "Reporter," which question was pertinent to the inquiry which the Committee on Un-American Activities was then conducting, . . . and Richard Morford refused to answer that question (R. 2-3).

A motion to dismiss the indictment or in the alternative for a bill of particulars (R. 4-5), was denied by Justice Holtzoff in an opinion dated May 21, 1947 (R. 18-29). *United States* v. *Bryan*, 72 F. Supp. 58.

Prior to the ruling on the motion, the prosecution had replied to the petitioner's request for particulars. (R. 6-18).

With regard to the petitioner's request that the prosecution "state the matter that was under inquiry at the March 6, 1946 session of the Committee on Un-American Activities and specify in what particular or particulars the documents called for by the summons or subpoena were material to the matter under inquiry" (R. 5), the prosecution replied that the "matter under inquiry was that part of the matter which related to the National Council of American-Soviet Friendship, Inc., and organizations affiliated therewith and individuals connected therewith" (R. 6). The same meaningless response was made to the petitioner's request with regard to the second count that the prosecution "state the matter that was under inquiry . . . and specify in what particular or particulars the question or questions propounded to the defendant which he is alleged to have refused to answer were pertinent to the question under inquiry" (R. 5, 6).

The trial court denied the petitioner's motion to disqualify all government employees as jurors (R. 56), and also refused to permit the questioning of government workers who were members of the jury panel as to the effect their government service might have on their verdict in this case. (R. 57, 58, 60-65). Four Government employees sat on the jury which brought a verdict of guilty (R. 65-68, 219), all defense challenges having been exhausted (R. 69).

Prior to the trial, the appellant served a subpoena *duces tecum* on the Clerk of the House of Representatives, requesting among other things material in the possession of the House Committee on Un-American Activities relating to the National Council of American-Soviet Friendship, Inc. (R. 32-39). This subpoena was not honored. During the course of the trial, the appellant made several requests that the trial court take steps to enforce this subpoena, all of which were denied by the trial court, (R. 83-85, 111-113, 122-123). The Government, however, had full access to the

files of the Committee and introduced considerable material from these files. (R. 70, 71, 76, 77, 97, 121, 122).

No evidence was introduced at the trial to show that a quorum of the Committee was present at the time of the alleged contempt.

The trial court denied appellant's motions for judgment of acquittal, and to dismiss the indictment. (R. 126, 127, 130, 191-195, 197, 202, 203).

The jury returned a verdict of guilty (R. 219). Motions for new trial and in arrest of judgment were denied (R. 220-222), and on April 30, 1948, the petitioner was sentenced to imprisonment for three months and to pay a fine of $250 (R. 222).

The conviction was affirmed by the Court of Appeals for the District of Columbia on June 13, 1949 (R. 443). That court held that the Committee was empowered to demand the Council's membership and financial records because the Council's propaganda was "an attack on the principle of our form of government" within the meaning of the Committee's authorizing resolution. The court reached this conclusion on the basis of its findings that the Council's propaganda was "pro-Soviet in character, consistently critical of the foreign policy of the United States," contained "unstinted praise of the communistic regime in Russia," and compared "Soviet official behavior with that of the United States to the disparagement of the latter" (R. 440-441). This view of the nature of the Council's literature, as we subsequently show, is not supported by the record, and indicates that the court below cannot have made an adequate examination of the record. The court below also found that the Committee had concluded that the Council's propaganda attacked "the principle of our form of government" (R. 441). This finding has no warrant in the record, and, as we subsequently demonstrate, is con-

tradicted by the record. The result is that propaganda which even the Committee on Un-American Activities, not normally noted for restraint, failed to characterize as "subversive" has been so classified by a federal Court of Appeals.

A petition for rehearing called the attention of the court below to its failure to indicate what "principle of the form of government as guaranteed by our Constitution," had been attacked by the Council (R. 444). The petition was denied without opinion on July 8, 1949. (R. 445).

Statement as to Jurisdiction

The judgment of the Court of Appeals was entered on June 13, 1949 (R. 443). A petition for rehearing was denied on July 8, 1949 (R. 445).

The jurisdiction of this Court is invoked under 28 U.S. Code, Section 1254.

Statute and Resolution Involved

(a) Rev. Stats. §102, as amended by c. 594, Act of June 22, 1938, 52 Stat. 942, U.S.C. Title 2, §192:

> Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or, who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months.

(b) House Resolution No. 5, 79th Cong., 1st Sess., 91 Congressional Rec. 10, 15 (1945):

> The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from

time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

(The House Committee with the identical authorization as set out above was made a permanent committee by sec. 121(b) of the Legislative Reorganization Act, 60 Stat. 828).

Questions Presented

1. (a) Was the House Committee on Un-American Activities authorized, under its enabling resolution, to compel the production of the Council's financial records, communications, and other papers, and to require the disclosure of the identity of the editors of the Council's publication?

(b) Was it so authorized even though the Committee had not determined beforehand that the Council's propaganda was "subversive, un-American, or attacked the principle of the form of government as guaranteed by our Constitution" within the meaning of House Resolution 5?

(c) Was it so authorized even though the Council's propaganda was not "subversive" or "un-American" and did not attack "the principle of the form of government as guaranteed by our Constitution" within the meaning of House Resolution 5; and was the Council's propaganda of such a nature?

(d) Was it so authorized if the Council's propaganda was consistently critical of the foreign policy of the administration; and if so, was that propaganda of such a nature?

(e) Was the Committee authorized to compel the production of any records of any organization engaged in dissemination of propaganda and to compel disclosure of the identity of the authors or editors of the propaganda, regardless of the nature of the propaganda?

2. If the Committee was authorized as stated in the various subsections of paragraph 1, do such several authorizations violate the First, Fifth, Ninth and Tenth Amendments to the Constitution?

3. Was the subpoena *duces tecum* served on petitioner by the House Committee on Un-American Activities, requiring the production of "all books, records, papers and documents showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda and communications with all persons," in violation of the Fourth Amendment to the Constitution because of its vagueness and generality, its failure to specify the papers desired, and the lack of probable cause for a belief that the papers sought were pertinent to the Committee's authority?

4. Did the trial court err in refusing to permit petitioner to prove that the documents requested and the question asked, in connection with which petitioner was convicted, were not pertinent to any matter of inquiry committed to the Committee by Congress, were outside the scope of the authority of the Committee and of Congress, and were not in aid of a legislative function; did this ruling deny the petitioner constitutional rights under the First, Fifth, Ninth, and Tenth Amendments?

5. Did the trial court err in denying the appellant compulsory process to obtain relevant material in the Committee's files; did this ruling deny the petitioner his rights under the Sixth Amendment and due process of law under the Fifth Amendment?

6. Did the trial court err in refusing to exclude from the jury all government employees?

7. Did the trial court err in refusing to permit the questioning of government employees who were members of the jury panel as to the possible effect of such employment on their ability to reach an impartial verdict?

8. Did the trial court err in charging the jury that "willfully" as used in United States Code Title 2, Section 192 required only that the petitioner had acted intentionally and deliberately, as contrasted with accidentally and inadvertently, and in excluding proffered evidence relative to petitioner's good faith and lack of bad purpose.

9. Was the petitioner properly convicted of violation of Rev. Stats. §102 in the absence of evidence that there was a quorum of the Committee present, and despite the fact that no quorum was in fact present at the time of the commission of the alleged contempt?

10. Is the authority of the House Committee on Un-American Activities to compel testimony and the production

of documents under the sanction of punishment for contempt, on its face and as applied generally and in the present case, unconstitutional as in contravention of the First, Fourth, Fifth, Ninth and Tenth Amendments?

11. Is the resolution establishing the House Committee on Un-American Activities, on its face and as construed and applied by the Committee, unconstitutional as in contravention of the First, Fourth, Fifth, Ninth and Tenth Amendments?

Reasons for Granting the Writ

The writ should be granted because (1) the issues involved have not heretofore been determined by the Court; (2) they are of great public importance; (3) the decision below contravenes principles established by decisions of this Court. We will discuss these reasons for granting the writ in connection with each of the questions presented by this petition.

1. *The authority of the House Committee on Un-American Activities to subpoena financial records and correspondence of the Council and to require the disclosing of the identity of the editors of the Council's publication.*

This case presents to this Court the problem as to whether the Committee was authorized to compel the production, under penalties for contempt, of the financial records and correspondence of the Council and to require the disclosure of the identity of the editors of the Council's publications without cause or basis relevant to its jurisdiction. Leaving aside for the present the question of the constitutionality of the Resolution establishing the Committee on its face, the Committee concededly might have the power to compel the production of propaganda material from any organization as a preliminary step to deter-

mining whether that propaganda fell within the language of its authorizing Resolution. Presumably, if the propaganda did, the Committee would be authorized to investigate the organization that issued the propaganda. Conversely, if the propaganda did not, the Committee could proceed no further. On this basis, the Council contended before the Committee, that the Committee could not compel the production of its financial and membership records or the disclosure of the identity of the editors of the Council's publication, unless it was first established that the propaganda of the Council, which the Council willingly furnished, was of the nature described in the resolution authorizing the Committee. Obviously, this position was sound and the only possible basis upon which the jurisdiction of the Committee could be determined. The alternative to this position is to assert that the Committee could require the production of the financial records of any organization whether or not there was the slightest basis for believing that its propaganda was of the nature described by the resolution establishing the committee. But this was essentially the position taken by the Committee members and its staff.

The position of the Committee members and staff is best illustrated by the following colloquy when Mr. Lamont was on the stand before the Committee on February 6, 1946. This was after the Council had supplied the Committee with substantially all its propaganda but had refused to turn over its financial and membership records. The Committee was still insisting that this latter be done.

> Mr. Mundt. I never heard of your organization, and I am interested, as you are, in improving friendly relationships between the Soviet Union and this country (R. 241).
>
> Mr. Bonner. He asked you if you were willing to let our investigators go in and make an investigation.

This is the only thing that makes me suspicious about these witnesses that come in here and they make a nice witness and I go along with them, and then when they get to the place where they have got something that we want, they want to hide it. I am willing to go along with pretty nearly everything you say myself, but when you have got something you want to hide, I get suspicious.

• • • • •

Mr. Bonner. . . . Some organizations, yours and one other, have shown considerable reluctance, *which reluctance, in my opinion, is the only element of suspicion about the organization.* I just can't understand why an organization functioning in America should refuse to let a committee of Congress look at its records. (R. 242-243, emphasis added).

The colloquy continued, with Mr. Bonner talking:

If you force us to take action we have got to either abolish the committee and say there shouldn't be any investigation at all of anybody anywhere, or else we have got to have a thorough look at the records and arrive at the conclusion that everything is OK. In your case from the evidence you have given us, it probably is.

Mr. Lamont. Well, you see, I just don't understand why you should be investigating us at all. The worst Mr. Adamson says about our literature is that it has political propaganda in it. He didn't say it was un-American or subversive.

Mr. Adamson. That is all I have seen of your records. (R. 243).

Similarly, in response to a letter from Mr. Lamont to members of the Committee protesting against the Committee's continued insistence that the Council produce its records, Mr. Mundt, a member of the Committee, replied on February 11 as follows:

I continue to hope and to believe that as your letter says, your organization has nothing to conceal.

> Frankly, it has until very recently been my belief that our investigation of your books would prove that statement to be a fact. I must admit, however, that your persistent effort to take every possible step to keep a shroud of secrecy around your contributors and prevent our representatives from looking at your files have raised some doubts in my mind. In all events, it has been the experience of our Committee that organizations with nothing to conceal are perfectly willing to cooperate with our staff members whereas those about which there seems to be some doubt are inclined to grasp at every technicality to confuse the issue and conceal their supporters and associates. (R. 247-248).

Thus, in essence the position of Committee members and staff was that the Committee could compel the production of the Council's records, because it could compel the records of any organization, whether or not its propaganda placed it within the Committee's jurisdiction. Indeed, the insistence by an organization on its legal and constitutional rights to withhold from the Committee records which the Committee had no power to request, constituted, in itself an "element of suspicion." Further, under the test laid down by Congressman Mundt, organizations would necessarily fall within the jurisdiction of the Committee unless they voluntarily furnished all of their records to the Committee. Other bases for jurisdiction advanced by the Committee members or staff, although somewhat differently phrased, did not depart substantially from this basic position that the Committee could demand anything and everything. Thus the counsel for the Committee insisted that the Council turn over its records because the material of the Council contained "political propaganda" (R. 234-235). When petitioner was on the stand, Congressman Mundt asserted the Committee's right to demand information about the identity of the editors of the Council's publication on the ground that the publication contained statements "about

the wisdom . . . of which we have doubts" (R. 14). At the trial itself the only bases for jurisdiction that could be offered by the Chairman of the Committee, Congressman Wood, was that one of the Committee's purposes "was to take specific action against anti-Soviet propaganda aimed at dividing the United Nations," and that the Committee had obtained a certificate from the Treasury Department which authorized financial contributors to deduct their contributions from their income tax returns. (R. 119-120).[3]

The record contains no evidence as to the judgment or findings of the Committee as a Committee, and as we discuss below, the repeated requests of the petitioner that the Committee produce its records pertaining to the Council were rejected by the Court. The petitioner wished these records in order to prove that the Committee had not in fact made the judgment that the Council's literature was of a nature that brought it within the resolution. Thus, on all the available evidence, it is clear that the Committee was demanding the production of the financial records of the Council, even though the Committee members did not regard the Council's propaganda to be of the nature described in the authorizing resolution. Indeed, the only reasonable inference from the evidence set out above, is that the Committee would classify the propaganda not on the basis of its content, but on the basis of the persons who wrote, subscribed to or financed the propaganda. Such an *ad hominem* test, we suggest, is clearly unreasonable and not warranted by the resolution. In addition, the implications of such a test are that the Committee may require

---

[3] According to the chairman, this combination of circumstances indicated to him that the Government was helping to "finance the propaganda against the Government and in favor of Soviet Russia". (R. 119-120). The appellate court, on the other hand, stated that the purpose of the Council "to take specific action against anti-Soviet propaganda aimed at dividing the United Nations" may have been innocent enough in itself". (R. 440).

the production of the financial and membership records of any and every organization.

This insistence of the Committee that it had the right to compel the production of all the records of every organization "functioning in America," without regard to the nature of the propaganda issued by that organization, cannot be reconciled with the statement of this Court in *McGrain* v. *Daugherty*, 273 U. S. 135 at 176, that "a witness [before a Congressional committee] rightfully may refuse to answer where the bounds of power are exceeded or the questions are not pertinent to the matter under inquiry." Nor can this claim of limitless authority be reconciled with the repeated assertions by this Court that the power of Congress to investigate is limited to inquiries serving a legislative function. *Kilbourn* v. *Thompson*, 103 U. S. 168; *McGrain* v. *Daugherty*, *supra*; *Jurney* v. *MacCracken*, 294 U. S. 125.

Under our Constitution, there necessarily are limits on the extent to which the federal government may inquire into private affairs. At the very least, the Committee must be held, under the Constitution, to the duty to determine that propaganda is within the scope of its inquiry authority before it can compel those issuing the propaganda to surrender to the Committee all details concerning themselves. Indeed, the obligation to make such a determination arises not only from the Constitution, but is, we believe, implicit in the Committee's own charter. It is important that this Court establish this principle both to preserve the civil liberties of the people and for the guidance of investigating committees.

The court below disagreed with the Committee as to its claim of limitless authority, and agreed with petitioner that the Committee could compel the production of the Council's financial records only if it first found that the Council's propaganda was of a nature which permitted such

compulsion. Thus under the doctrine of the Court of Appeals established in this case, the failure of the Committee to conclude as a necessary preliminary step that the propaganda of the Council was of a nature to bring the Council within the jurisdiction of the Committee, requires reversal. The Court of Appeals, however, erroneously stated that the Committee had made such a judgment. Since this finding of the court below was, as we have shown above, without support in the record, and contrary to the evidence in the record, this Court should reverse the conviction.

The court below went on to state that this non-existent judgment of the Committee was reasonable because the propaganda of the Council was "consistently critical of the foreign policy of the United States." But clearly it was not the function of the court to make such a judgment where the Committee itself had made none. In addition, this statement of the court below is erroneous on two grounds. First, it has no factual support in the record; second, the facts assumed do not support the conclusion of the court.

On the record before the court, the statement that the propaganda of the Council was "consistently critical of the foreign policy of the United States," is not only factually inaccurate but manifestly absurd. The Council was formed during the war, when it was the stated policy of our government to promote friendship with the Soviet Union. Such was still the stated policy of our government at the time of the Committee's request for the records of the Council. From the date of the founding of the Council to the date of the alleged contempt, the record shows consistent and effective cooperation between the Council and the State Department.

The Committee's first demand for the Council's financial records preceded by one day a rally held by the Council in Madison Square Garden to which President Truman and General Eisenhower sent messages of greeting in the inter-

est of American-Soviet friendship (R. 245, 246). The latter stated: "American-Soviet friendship is one of the cornerstones on which the edifice of peace should be built. To achieve this friendship nothing is more important than mutual understanding on the part of each of the institutions, traditions and customs of the other."

Dean Acheson, then Under Secretary of State, spoke at that meeting and placed strong emphasis on the importance of the Council's efforts at American-Soviet friendship. He said: "I confess I see no way to draw our people into closer understanding except by persistent efforts, on both sides, to free the lines of communication through the press and the radio, through books and magazines, through the exchange of knowledge, and culture, and through travel and personal acquaintance" (R. 246-247).

Almost simultaneously with the alleged contempt, the Council held a dinner at which the featured speaker was Lt. General Walter Bedell Smith, our then Ambassador-designate to the Soviet Union. Among the propaganda distributed by the Council which the Court of Appeals found to be "consistently critical of the foreign policy of the United States" were the speeches of Acheson, General Smith, General Eisenhower, and the then Secretary of Commerce, Henry A. Wallace (R. 243-247). It can indeed, truthfully be said that during the period in question, 1943 through 1945, when it was the stated policy of our government to promote friendship with the Soviet Union, it was the Committee and not the Council that was "consistently critical of the foreign policy of the United States."

But even if the lower court's statement with regard to the nature of the Council's propaganda were factually true, nevertheless, no portion of the resolution establishing the Committee covers criticism of our foreign policy. The Court of Appeals said that the Council's literature, since it consistently criticized our foreign policy, attacked the

"principle of our form of government." The court attempted to bolster this obvious *non sequitur* by labelling as "obtuse" those who failed to follow its faulty logic. The opinion significantly failed to indicate what principle of the form of the government had been attacked by the Council's literature and what portion of the Council's literature so attacked it. For its failure to meet or discuss these issues, the Court substituted disparaging epithets not warranted by the record, such as that the Council's publication was "sometimes shocking," that the Council issued a "flood of propaganda pro-Soviet in character," and that it gave "unstinted praise of the communistic regime in Russia." (R. 440-441). This disparagement also overlooks the simple circumstance that an organization seeking to promote friendship with the Soviet Union will hardly disseminate anti-Soviet propaganda. Obviously, the Court of Appeals has simply equated its own notions as to our correct foreign policy with some basic unstated principle of our form of government.[4]

There is certainly nothing in the language of the Resolution on its face which supports the court's conclusion that propaganda critical of our foreign policy is covered by the Resolution. And the court's construction of the Resolution that it authorizes, under the penalty of contempt, the production of the financial and membership records of any organization that is critical of the Administration's foreign policy raises serious constitutional difficulties. As pointed out by the Council in its communications with the Committee, the very request for the Council's financial records carried with it the assertion that the Council's propaganda was "un-American," "subversive" or opposed to our constitu-

[4] By the court's standards the recent foreign policy pronouncement of the American Friends Service Committee maintaining that this government can and should pursue a policy of friendship with the Soviet Union, would constitute an attack on this same unstated principle.

tional form of government, and the Council would have acquiesced in the stigma if it had acceded to the Committee's demands. The court below holds that such a stigma can rightfully be placed on an organization if it advances views critical of our foreign policy. Thus the court is holding that the resolution is to be interpreted not in terms of some defined legal standard but solely on the basis of a political judgment as to what is or is not a correct foreign policy. The case therefore poses to this Court the problem as to whether the actions of the Committee and the courts below can be reconciled with the doctrine of this Court that it is not the business of government to determine whether the opinions of its citizens are true or false, orthodox or unorthodox. See *W. Va. Bd. of Ed.* v. *Barnette*, 319 U. S. 624, 642; Jackson J. concurring in *Thomas* v. *Collins*, 323 U. S. 516, 545.

Further, the opinion of the court below, with its animadversions as to the nature of the Council's and petitioner's opinions, gives substance to the boast of Attorney General Clark that the various prosecutions for contempt of the Committee were not for the vindication of the powers of Congress to investigate, but rather for the suppression of certain political opinions. *Official Department of Justice Press Release*, June 30, 1949, at p. 36; *Text of radio speech by Attorney General Clark over Gannet Radio Stations*, June 12, 1949, at p. 4.[5] Such an approach marks a fundamental change in our basic concept of the relationship of

[5] The cited press release reports the achievements of the Department of Justice during Attorney General Clark's four-year term of office. The report lists the contempt cases as achievements not in the field of vindicating Congress' powers of investigation but in the field of "subversive activities." In the radio speech, Mr. Clark cited the cases brought to punish contempt of the Committee on Un-American Activities as instances where the Department of Justice had "proved that Communist subversion can be defeated under Constitutional processes." Mr. Clark, in other words, finds that the contempt statute is a handy way of constitutionally punishing political opposition.

government to its citizens, and requires review by this Court.

The action of the House Committee and the courts below also presents to this Court important questions as to the meaning of the Fourth Amendment. The evidence set out above indicates that in the judgment of Committee members and staff, a preliminary investigation of the propaganda of the Council had disclosed nothing which brought the Council within the scope of the Resolution. The Committee, nevertheless, wished the Council to produce all its records, papers and documents, on the theory that if the Committee's investigators continued to look through the Council's records and files, they might come up with something. But this assertion of an unlimited right of access to the private papers of a person or association in order to discover whether there is something that might be of interest to the Committee is prohibited by the Fourth Amendment. See *Federal Trade Commission* v. *American Tobacco Company*, 264 U. S. 298; *Hale* v. *Henkel*, 201 U. S. 43. The issue here is not one of the power of Congress to investigate but rather whether Congress has power to investigate without limit or cause. See *Sinclair* v. *United States*, 279 U. S. 263. If a Congressional Committee may require the production from any individual of any or all his papers or documents solely on the ground that such papers or documents might contain something of interest to the Committee, then very little is left of the "right to be let alone." Brandeis, J. dissenting in *Olmstead* v. *United States*, 277 U. S. 438, 487; see *Jones* v. *S.E.C.*, 298 U. S. 1, 25, 26, 28.

2. *Issue of Judicial Review in Contempt Proceedings under U.S.C. Title 2, Sec. 192.*

We have indicated that the ruling below marked an abandonment of the doctrine of this Court that a witness

is not guilty of contempt of Congress unless the information sought from him was pertinent to the matter before the Committee. The trial court's rulings denying the petitioner the opportunity to prove affirmatively that the information sought was not pertinent to any legitimate Congressional inquiry unmistakably emphasizes this conclusion.

At the trial the petitioner offered evidence to prove that the House Committee was not, in connection with the petitioner, acting within the power committed to it by Congress, but was acting beyond the scope of the authority of the Committee or of Congress. The petitioner attempted, but was not permitted, to introduce proof that the documents requested and the question asked of him had no relation to any legitimate inquiry by the Committee, and that these actions were taken by the Committee solely for the purpose of obtaining names of individuals whom the Committee could then pillory and blacklist. The Court of Appeals sustained this exclusion on the ground that there was a presumption that the information sought by Congress would materially aid Congress in legislation, and that this presumption could not be "rebutted by impugning the motives of individual members of the Committee." But this misstates what petitioner offered to prove. Petitioner made no effect to impugn the motives of individual Committee members in conducting a legitimate inquiry, but offered instead to show that the inquiry was illegitimate. He wished to prove that the Committee, as a Committee, had formally met and resolved to obtain the names of members of and contributors to the Council in order to pillory and blacklist them, and that the Committee, as a Committee, had no legislative purpose in requesting the records of the Council. To this end, the petitioner sought to obtain the records of the Committee with relation to the Council, a request which was denied.

The formula stated by the court below means that any effort on the part of a defendant charged with contempt to show that he was summoned for a non-legislative purpose will always be rejected on the ground that it "impugns motives." In essence, the court below is saying that abuse of authority by a Congressional committee is not subject to judicial review, thus overruling the long-established doctrine of this Court that Congressional committees may compel attendance of witnesses and testimony only in inquiries within Congress' limited powers. *Kilbourn* v. *Thompson*, 103 U. S. 168; *In re Chapman*, 166 U. S. 661; *McGrain* v. *Daugherty*, 273 U. S. 135; *Jurney* v. *MacCracken*, 294 U. S. 125.

If the decision below stands, nothing is left of Justice Brandeis' assurance that "assertions of Congressional privilege are subject to judicial review" *Jurney* v. *MacCracken, supra*, at 150. And see 26 Cong. Globe 439, 440, 34th Cong., 3d Sess., remarks of Senator Bayard relating to passage of the contempt statute, for Congress' own realization of the need for judicial review to protect individuals from unwarranted legislative inquisition. *Cf.* 8 Wigmore, Evidence (3d ed.) § 2195, p. 80. Under principles long established, it is clear that the contempt statute may not be constitutionally applied to petitioner if the proffered proof, which was excluded, would have demonstrated that the inquiry involved was not within Congress' powers. *In re Chapman*, 166 U. S. 661; *Sinclair* v. *United States, supra; Jurney* v. *MacCracken, supra.*

By thus denying the right of judicial review to one brought into court on a charge of contempt under United States Code, Title 2, sec. 192, the court below has repudiated our constitutional form of government. It is necessary, therefore, that this Court review and reverse the dangerous doctrine established by the decision below that when legislative committees invoke the sanctions of the statute, the

courts will not permit the defendant to prove that the committee was acting outside its jurisdiction and that of Congress.

In order to prove its contention that the documents sought by the Committee were not pertinent to the Committee's jurisdiction, the petitioner sought material in the possession of the Committee relating to the Council (R. 32-39). These requests of the petitioner were denied by the trial court on the ground that the trial court would not interfere with Congress (R. 83-85, 111-113, 122-123), although government counsel had full access to the files of the Committee and introduced into the record considerable material from those files (R. 70, 71, 75, 76, 77, 97, 121, 122). A trial is palpably unfair if the defense is refused access to material to which the prosecution has full access, and from which it can select at will. The material requested by the petitioner was relevant if it would have proven, as petitioner believed, that the Committee was not requesting the documents for any legislative purpose but for the sole purpose of adding names to its blacklist and to facilitate its efforts to destroy the Council (R. 169). To deny to one charged with crime the right to subpoena relevant documents in the possession of the government agency which initiates the prosecution is to deprive him of his right to compulsory process as secured by the Sixth Amendment and his right to due process of law as guaranteed by the Fifth Amendment. *United States* v. *Andolschek*, 142 F. (2d) 503; *United States* v. *Beckman*, 155 F. (2d) 580; *United States* v. *Grayson*, 166 F. (2d) 863; *United States* v. *Krulewitch*, 145 F. (2d) 76.

3. *The Jury Issue.*

In *Frazier* v *United States*, 335 U. S. 497, this Court considered it to be a serious question whether government employees could lawfully sit as jurors in a federal prosecution for violation of the narcotics laws. Indeed, four members

of the Court were of the opinion that they could not. It is clearly an even more serious question whether government employees may serve as jurors in a case where the defendant is the Executive Director of an organization placed on the Attorney General's "subversive" list, pursuant to an Executive Order making "sympathetic association" by government employees with such organizations grounds for discharge.[6]

The vice of government employees as jurors in a case of this sort arises not only from their possible fear of loss of employment, although this in itself is an important factor. By an ordinary process of rationalization, persons who must adopt certain attitudes under coercion tend to conceal their submissiveness from themselves by embracing these attitudes as desirable. As stated in the *Frazier* dissent, the federal government demands of its employees "unquestioning ideological loyalty" (at p. 515). Such loyalty, once yielded for a time cannot be easily shed when the employee takes a seat in the jury box, and it is more likely that he will share, and be influenced by, the hostility shown by the President and the Attorney General to the Council.

The issue here raised is the same as that for which this Court has granted certiorari in *Dennis* v. *United States*, U. S. No. 14, October term, 1949, cert. granted June 27, 1949.

In the *Dennis* case in the Court of Appeals, the opinion justified the ruling of the trial court permitting government employees to serve on the jury partly on the ground that "prospective jurors were carefully interrogated by the court and counsel." *Dennis* v. *United States*, 171 F. (2d) 986, 991. The present case is more extreme, since here the trial court did not permit questioning of government work-

---

[6] Executive Order 9835 issued March 12, 1947, 12 Federal Register 1935. The designation of the Council on the Attorney General's list was released to the press on December 4, 1947, before the date of the trial. See Washington Post, December 5, 1947.

ers as to the effect their government employment, the Loyalty Order, and the designation by the Attorney General of the Council as a subversive organization might have on their verdict (R. 57, 58, 60-65). This ruling was directly in conflict with the language of this Court in *United States* v. *Wood*, 299 U. S. 123, where this Court said with regard to the problem of government employees serving as jurors:

> The law permits full inquiry as to actual bias in any such instances . . . we must assume that the courts of the District, with power fully adequate to the occasion, will be most careful in those special instances where circumstances suggest that any actual partiality may exist, to safeguard the just interests of the accused. (at p. 150).

4. *The Quorum Issue.*

The record fails to disclose any evidence that a quorum of the Committee was present at the hearing at which the petitioner appeared. Accordingly, the conviction was erroneous under *Christoffel* v. *United States*, No. 528, October Term, 1948, decided June 27, 1949, for the reason that an essential element of the crime charged—the presence of a competent tribunal—was not proved. Unfortunately, this issue was not raised at the trial nor in the Court of Appeals, an omission which was understandable, in view of the fact that the decision in the *Christoffel* case, reversing the Court of Appeals, was not handed down until June 27, 1949.

This Court has held that questions which have not been raised below may be considered by the Court, if, and only if, such consideration is necessary to prevent a "plain miscarriage of justice". *Hormel* v. *Helvering*, 312 U. S. 552, 558. The petitioner has informed his counsel that only three members of the nine-member Committee attended the hearing at which he appeared, with one of such members leaving before the petitioner refused to answer the question or produce the documents for which refusals he was convicted.

Under all the circumstances, a miscarriage of justice will result if petitioner's conviction is permitted to stand despite the fact that an essential element of the crime charged was not proved at the trial, and did not in fact exist.

5. *The Issue as to the Construction of the Word, "Willfully," in U.S.C. Title 2, Sec. 192.*

The trial court charged the jury that the word "willfully" as used in U.S.C. Title 2, sec. 192 required only that the petitioner had acted intentionally and deliberately, as contrasted with accidentally and inadvertently. In accordance with this interpretation, the trial court excluded evidence relative to the petitioner's good faith and lack of bad purpose. But this statutory construction is in conflict with the decisions of this Court in *United States* v. *Murdock*, 290 U. S. 289; *Hartzell* v. *United States*, 322 U. S. 680; *Screws* v. *United States*, 325 U. S. 91, as well as with the legislative background of the statute. See 34 Cong. Globe 405, 406, 34th Cong. 3rd sess., remarks by Representative Orr.

6. *Issue of Constitutionality of the Committee.*

Counsel in this case have already fully presented their arguments regarding the unconstitutionality of the Committee in *Eisler* v. *United States*, No. 255 of last term. We repeat only that this issue is of great public import and that the constitutionality of the Committee is at least questionable under long-established doctrines of this Court.

Conclusion

The writ of certiorari should be granted, and the judgment below should be reversed with the direction that the indictment be dismissed.

Respectfully submitted,

ABRAHAM J. ISSERMAN,
401 Broadway
New York 13, New York

DAVID REIN
JOSEPH FORER
1105 K Street, N. W.
Washington 5, D. C.

Attorneys for Petitioner.

(3726)

Office - Supreme Court, U. S.
FILED
OCT 12 1949
CHARLES ELMORE CROPLEY
CLERK

No. 236

Supreme Court of the United States

October Term 1949

RICHARD MORFORD, *Petitioner,*

vs.

UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia

---

PETITIONER'S REPLY TO MEMORANDUM OF RESPONDENT IN OPPOSITION TO PETITION

ABRAHAM J. ISSERMAN
DAVID REIN
JOSEPH FORER
Counsel for Petitioner

WILSON - EPES PRINTING CO. - RE 6003 - WASHINGTON 1, D. C.

Supreme Court of the United States

October Term 1949

No. 236

RICHARD MORFORD, *Petitioner*,

vs.

UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia

---

PETITIONER'S REPLY TO MEMORANDUM OF RESPONDENT IN OPPOSITION TO PETITION

The opposition of the respondent to the petition for a writ of certiorari clearly demonstrates the need for granting the writ.

1. The government rejects the contention of the petitioner and the doctrine of the court below, that before the Committee may demand the production of the financial and membership records of an organization, it must first appear that the propaganda of the organization comes within the resolution establishing the Committee. It adopts, instead, the viewpoint of the Committee that the

Committee is empowered to demand the financial and membership records of any organization, regardless of the nature of its propaganda, in order to determine from such records whether the organization falls within its jurisdiction.[1] In support of it position the government cites the opinion of the Court of Appeals for the District of Columbia in *Marshall v. United States* (pp. 7-8), and interprets that opinion in a manner that is squarely in conflict with the opinion of the same court in the present case.

2. Nowhere in its opposition does the government come to grips with the issue of pertinence, which is, briefly stated: what propaganda of the Council brings it within the jurisdiction of the Committee? Indeed, the opposition does not even discuss the resolution which defines the Committee's authority. Instead, it suggests to this Court as a basis for the Committee's jurisdiction that the Committee had "reasonable cause for concern," and that the "Committee's power of inquiry, anticipating all possible cases, was very broad" (p. 11).

The use of such vague language and meaningless concepts in the face of a specific inquiry as to pertinency, indicates only that the government's position, like the Committee's, is that the Committee may investigate anything it wishes. The gist of the government's position is that the records of the Council were pertinent to the Committee's jurisdiction solely because the Committee demanded them.

But this position of the government and the Committee raises serious questions for this Court. (1) Has Congress

[1] The government's opposition refers to the petitioner's use of "isolated excerpts from the Committee's proceedings" (p. 9, n. 2). The quotations in the petition at pp. 15-18 are not "isolated excerpts." On the contrary, the petition sets forth all of the statements of the Committee, its members and the Committee staff, that indicate the Committee's views as to jurisdiction in the matter.

in the resolution establishing the House Committee on Un-American Activities authorized the Committee to investigate anything it pleases? (2) Does Congress have the constitutional power to take such action?

3. Although the government does not discuss the resolution establishing the Committee, or the manner, if any, in which the Council's propaganda falls within the jurisdiction of the Committee, the government does discuss the irrelevant question as to whether the Council's propaganda is critical of the government's foreign policy. Where the Court below made the sweeping statement without basis that the Council's propaganda was "consistently critical of our foreign policy," the government's opposition indicates that this propaganda was occasionally critical. Ignoring a good part of the Council's propaganda from 1943 on, the government has carefully selected examples of statements which it considered critical. Even in these few examples, the government finds it necessary to identify our foreign policy with the views of Senator Vandenberg and General Patton. Thus the Council's approval of the government's dismissal of Patton because of his opposition to official denazification policy is considered by the government to be critical of our foreign policy! And the government failed to note that the same issue of the periodical which approved our government's dismissal of Patton also praised statements of Generals Eisenhower and Clay (Reporter, Oct. 15, 1945, at p. 4).

The plain truth that emerges from a reading of the entire record and not isolated portions, is that the Council's propaganda consistently promoted the idea of friendship between the United States and the Soviet Union. Where government officials expressed support of this idea, as many of them did in 1943, 1944 and 1945, the Council used and endorsed these statements. Where government officials were critical of this idea, the Council was critical of their statements. To the Committee, of course, the idea

of American-Soviet friendship was anathema regardless of who expressed it, whether it was the Council or a government official. Thus a member of the Committee's staff sharply criticized a booklet issued by the Council in 1944 because it contained and approved such a statement made by Sumner Welles (R. 278).

All of this indicates a difference of opinion as to our correct foreign policy between the Council and the Committee. On such occasions as the government shared the foreign policy views of the Committee, there was a difference of opinion between the Council and the government. But neither the court below nor the government has in any way indicated what all this has to do with the resolution defining the Committee's jurisdiction. Nothing in that resolution authorizes the Committee to investigate organizations which differ with it or the government as to foreign policy.

4. The government concedes that the jury issue raised in the petition is the same as that presented in *Dennis v. United States*, No. 14 of this term, certiorari granted June 27, 1949. Such a concession should require the granting of the writ of certiorari in this case so that the petitioner may have the opportunity to brief and argue his case.

5. The government urges upon this Court the view that even though the petitioner was convicted of a crime of which he was not guilty under the doctrine of this Court, the conviction should nevertheless be sustained because of the failure of the petitioner to raise the quorum issue at the trial. We are confident that this Court will not permit a miscarriage of justice on this technical ground.

Respectfully submitted,

ABRAHAM J. ISSERMAN
DAVID REIN
JOSEPH FORER
Counsel for Petitioner

Office - Supreme Court, U. S.
FILED
SEP 26 1949
CHARLES ELMORE CROPLEY
CLERK

INDEX

	Page
Opinions below	1
Jurisdiction	1
Questions presented	2
Statute and rule involved	3
Statement	5
Argument	6
Conclusion	20

CITATIONS

Cases:

Arnstein v. *United States*, 296 Fed. 946, certiorari denied, 264 U. S. 595 — 12

Barsky v. *United States*, 167 F. 2d 241, certiorari denied, 334 U. S. 843 — 11, 13, 15, 16

Bono v. *United States*, 113 F. 2d 724 — 16

Brown v. *United States*, 276 U. S. 134 — 14

Christoffel v. *United States*, 338 U. S. 84 — 15

Dennis v. *United States*, 171 F. 2d 986 — 13, 16, 19

Eisler v. *United States*, 170 F. 2d 273, certiorari denied, 335 U. S. 857, cause ordered removed from docket, 338 U. S. 189 — 13, 15, 16

Fields v. *United States*, 164 F. 2d 97, certiorari denied, 332 U. S. 851 — 15

Frazier v. *United States*, 335 U. S. 497 — 19

Goldman v. *United States*, 316 U. S. 129 — 12

Hirabayashi v. *United States*, 320 U. S. 81 — 13

Jordan v. *Bondy*, 114 F. 2d 599 — 12

Josephson v. *United States*, 165 F. 2d 82, certiorari denied, 333 U. S. 838 — 16

Marshall v. *United States*, No. 197, this Term — 7, 11, 12, 13, 14, 15, 16, 18

Pinkerton v. *United States*, 328 U. S. 640 — 13

Sinclair v. *United States*, 279 U. S. 263 — 9, 14, 15

Thiel v. *Southern Pacific Company*, 328 U. S. 217 — 18

Thomson v. *Gaskill*, 315 U. S. 442 — 16

Townsend v. *United States*, 95 F. 2d 352, certiorari denied, 303 U. S. 664 — 11, 13, 15

United States v. *Medical Society*, 26 F. Supp. 55 — 14

United States v. *Muraskin*, 99 F. 2d 815 — 12

United States v. *Seymour*, 50 F. 2d 930 — 11

United States v. *Wood*, 299 U. S. 123 — 19

Wheeler v. *United States*, 226 U. S. 478 — 14

Statute and Rule:
Legislative Reorganization Act of August 2, 1946, c. 753, 60 Stat. 823 4
R. S. § 102, as amended (2 U. S. C. 192) 3, 15
Rule XI of the Rules of the House of Representatives, 79th Cong., as amended and adopted on January 3, 1945, by H. Res. No. 5, 79th Cong., 1st sess. (91 Cong. Rec. 10, 14–15) 4
Miscellaneous:
Executive Order 9835, 12 F. R. 1935 16

In the Supreme Court of the United States

OCTOBER TERM, 1949

No. 236

RICHARD MORFORD, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM FOR THE UNITED STATES

OPINIONS BELOW

The opinion of the Court of Appeals (R. 439–442) has not yet been reported. The opinion of the District Court denying petitioner's motion to dismiss the indictment (R. 18–29) is reported *sub nom. United States* v. *Bryan* at 72 F. Supp. 58.

JURISDICTION

The judgment of the Court of Appeals was entered June 13, 1949 (R. 443), and a petition for rehearing (R. 444–445) was denied July 8,

1949 (R. 445). The petition for a writ of certiorari was filed August 6, 1949. The jurisdiction of this Court is invoked under 28 U. S. C. 1254 (1). See also Rules 37 (b) (2) and 45 (a), F. R. Crim. P.

QUESTIONS PRESENTED

1. Whether the trial court correctly held that the documents called for by the subpoena served upon petitioner as Executive Director of the National Council of American-Soviet Friendship, Inc., and the questions propounded to him were pertinent to a legitimate investigation being made by the House Committee on Un-American Activities.

2. Whether the trial court erred in refusing to compel compliance with defense subpoenas for materials in the files of the Committee concerning the Council and in excluding proffered evidence purporting to show that the Committee subpoenaed the Council's records for the purpose of adding names to an alleged "blacklist."

3. Whether the subpoena was so broad in its sweep as to violate the Fourth Amendment.

4. Whether a deliberate refusal to produce subpoenaed records is willful even though the party subpoenaed believes in good faith that the Committee has no power to compel production of the records.

5. Whether petitioner has any standing to raise in this Court for the first time a question as to

the presence of a quorum of the Committee at the time he appeared before it.

6. Whether the resolution creating the Committee and defining the scope of its investigatory powers is constitutional.

7. Whether government employees should have been excluded from the jury because of alleged prejudice in favor of the Government.

STATUTE AND RULE INVOLVED

R. S. § 102, as amended (2 U. S. C. 192), provides:

> Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months.

Rule XI of the Rules of the House of Representatives, 79th Congress, as amended and adopted on January 3, 1945, by H. Res. No. 5,

79th Cong., 1st sess. (91 Cong. Rec. 10, 14–15), provided in pertinent part as follows:[1]

* * * * *

> The Committee on Un-American Activities, as a whole or by sub-committee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.
>
> The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.
>
> For the purpose of any such investigation, the Committee on Un-American Activities, or any sub-committee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or

[1] The quoted portion of Rule XI was, subsequent to the date of the offense charged against petitioner (March 6, 1946), renumbered as paragraph (1) (q) (2) of Rule XI by Section 121 (b) of the Legislative Reorganization Act of August 2, 1946, c. 753, 60 Stat. 823, 828–829.

has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any sub-committee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

STATEMENT

Petitioner, the Executive Director of the National Council of American-Soviet Friendship, Inc. (hereinafter called the Council), was served with a subpoena to appear and testify and to produce before the Un-American Activities Committee of the House of Representatives (hereinafter called the Committee) "all books, records, papers and documents showing all the receipts and disbursements of money" by the Council and "all correspondence, memoranda and communications with any and all persons, together with a complete list of all affiliated organizations, for the year 1945" (R. 251–252). Petitioner appeared before the Committee on March 6, 1946, but refused to produce the documents called for by the subpoena (R. 11–12) and also refused to give the names of the members of the Council's publications committee, which prepared and edited the Council's publication known as "Reporter" (R.

14–17). Petitioner was thereafter convicted (R. 219) on both counts of an indictment under R. S. § 102 (*supra*, p. 3) charging refusal to produce the subpoenaed documents and refusal to name the members of the publications committee (R. 2–3). He was sentenced generally to three months' imprisonment and to pay a fine of $250 (R. 222). On appeal, the judgment of conviction was affirmed (R. 443).

ARGUMENT

1. Petitioner contends (Pet. 14–24) that the Committee was without authority to compel the production of the financial records and correspondence of the Council and the disclosure of the identity of the members of the Council's publications committee unless and until it was established and determined that the Council's propaganda, much of which had previously been examined by the Committee, was of the nature described in the enabling resolution underlying the Committee's authority. In this connection, he asserts that the record of the proceedings before the Committee reflects that it did not regard its authority as limited to investigating organizations disseminating subversive and un-American propaganda but as extending to any organization which the Committee saw fit to investigate. Petitioner also attacks the holding of the District Court, sustained by the Court of Appeals, that the records and other information requested by the Commit-

tee were pertinent to an inquiry within the Committee's competence to undertake. In short, he asserts that the Committee acted "without cause or basis relevant to its jurisdiction" (Pet. 14).

The first facet of petitioner's argument is plainly unsound, and, in addition, it rests upon an erroneous factual hypothesis. For, as the Court of Appeals pointed out (R. 440), "Obviously the first step in an investigation authorized by House Resolution No. 5 is to determine whether the propaganda being diffused is in fact subversive in the sense of the term as used in the Resolution." And it is equally obvious that the power so to investigate necessarily includes the power to investigate the organization disseminating the propaganda. The dual aspects of such an inquiry are of a piece in investigating (1) "the extent, character, and objects of un-American propaganda activities in the United States, [and] (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution" (H. Res. No. 5, *supra*, pp. 3–5). We think the following observation of the court below in *Marshall* v. *United States*, petition for certiorari pending, No. 197, O. T., 1949, R. 241, effectively answers this aspect of petitioner's argument:

> * * * the modern pattern of subversive propaganda, as exemplified by that of the Communist Party, may be composed of two aspects. There is first a public aspect, which by itself may appear quite innocent, and indeed may seem commendable in the objects and causes which it appears to espouse. But this public feature of the subversive propaganda technique is often only a means of hiding, strengthening, and enlarging the sphere of operations of a subversive organization. The real purpose and goal which seeks to destroy our constitutional guarantees, may never be openly and publicly announced * * *

Furthermore, it is clear, contrary to petitioner's contention, that the Committee had concluded, before it subpoenaed petitioner, at least that there was a reasonable basis for belief that the activities of the Council came within the scope of its investigatory powers. The previous proceedings, outlined in the petition (pp. 3–5), the nature of the Council's propaganda previously examined by the Committee (see pp. 9–10, *infra*), and the action of the Committee in issuing the subpoena commanding petitioner to appear and produce the specified documents and to testify "touching matters of inquiry committed to said Committee" (R. 252), all show that the Committee had determined that further investigation was authorized and necessary to determine the "origin" and the

"extent, character, and objects" of the Council's propaganda.[2]

The issue whether the records called for by the subpoena and the information requested of petitioner as to the identity of the members of the Council's publications committee were pertinent to an inquiry within the Committee's competence was one of law for the trial court's determination (*Sinclair* v. *United States*, 279 U. S. 263, 298), and its decision that they were (R. 122, 213) was clearly correct. Before the Committee issued its subpoena, it considered numerous issues of "Reporter" (R. 75), the report of the Committee's investigator, Russell, digesting issues of "Reporter" (R. 116, 263–276), a leaflet on the general purposes and program of the Council (R. 75), a report of the National Information Bureau, Inc., to the effect that one of the purposes of the Council was "to take specific action against anti-Soviet propaganda aimed at dividing the United Nations" (R. 76, 118–120, 255), and information that contributors to the Council could deduct their con-

[2] The isolated excerpts from the Committee's proceedings set forth at pages 15–18 of the petition certainly cannot be accepted as supporting petitioner's bald assertion that the Committee claimed "limitless authority" "to compel the production of all the records of every organization 'functioning in America,' without regard to the nature of the propaganda issued by that organization" (Pet. 19). Whatever may be petitioner's views as to the activities of the Committee, the fact is, as we show in the text, that the records and other information demanded of petitioner were pertinent to a legitimate inquiry.

tributions from their income tax returns (R. 78, 119). Issues of "Reporter" freely criticized President Truman,[3] Secretary of State Byrnes,[4] Senator Vandenberg,[5] Congress,[6] and General Patton,[7] but praised Molotov[8] and Soviet commanders.[9] And notwithstanding petitioner's contention to the contrary (Pet. 20–21), the publication was highly critical of the foreign policy of the United States.[10] As fairly stated by the Court of Appeals, the Council's propaganda was "pro-Soviet in character, consistently critical of the foreign policy of the United States," and contained "unstinted praise of the communistic regime in Russia" and a "comparison of Soviet official behavior with that of the United States to the disparagement of the latter" (R. 440–441).[11]

[3] November 15, 1945, issue, p. 1; December 14, 1945, issue, p. 1. The issues of "Reporter" cited in this and succeeding footnotes are contained in Government Exhibit 4 in the folder containing exhibits not printed.

[4] October 15, 1945, issue, p. 1; November 15, 1945, issue, p. 1.

[5] November 30, 1945, issue, p. 3.

[6] October 15, 1945, issue, p. 4; November 15, 1945, issue, p. 4.

[7] October 15, 1945, issue, p. 2.

[8] October 15, 1945, issue, p. 1; November 15, 1945, issue, pp. 1, 2.

[9] October 15, 1945, issue, p. 2.

[10] October 15, 1945, issue, pp. 2, 4; November 30, 1945, issue, pp. 1, 2; December 14, 1945, issue, pp. 1, 3.

[11] There is no warrant for petitioner's criticism (Pet. 21–23) of the Court of Appeals' decision of the pertinency issue as being based solely upon the Council's views as to our foreign policy, a subject which he says is outside the

In these circumstances, the Committee had "reasonable cause for concern" (*Barsky* v. *United States*, 167 F. 2d 241, 246–247 (C. A. D. C.), certiorari denied, 334 U. S. 843, petition for rehearing pending; *Marshall* v. *United States* (C. A. D. C.), petition for certiorari pending, No. 197, O. T., 1949) and was justified in believing that the Council was engaged in propaganda activities of the nature described in the enabling resolution and in pursuing its investigation to determine the origin of such propaganda and its extent, character, and objects. In such an investigation it was pertinent to inquire as to who were the editors of "Reporter." "Personnel is part of the subject." *Barsky* v. *United States*, 167 F. 2d at 246; R. 441. The records called for in the subpoena were also pertinent; as the Court of Appeals said (R. 441), "it is of urgent importance that Congress know where such an organization gets its money, and exactly what it does with it." See also *Barsky* v. *United States*, 167 F. 2d at 244, 246; *Marshall* v. *United States*, *supra*; *United States* v. *Seymour*, 50 F. 2d 930, 939 (D. Nebr.). The Committee's power of inquiry, anticipating all possible cases, was very broad, and the evidence it sought came within the scope of the inquiry. *Townsend* v. *United States*, 95 F. 2d 352, 361 (C. A. D. C.), certiorari denied, 303 U. S. 664.

---

scope of the Committee's competence. The court's decision obviously was based upon an examination of all the Council's propaganda introduced in evidence.

2. Petitioner also argues (Pet. 24–27) that the trial court's rejection of his request to compel the Committee to produce materials in its files concerning the Council (R. 83–85, 111–113, 122–123) and the court's action in excluding proffered evidence which, he claims, would have shown that the Committee had an ulterior purpose merely to obtain names to add to an alleged "blacklist" (R. 167–170) had the effect of precluding judicial review of the issue of pertinency. This is but another facet of his contention that the information demanded by the Committee was not pertinent to any legitimate inquiry. But, as we have shown, the evidence adduced by the Government established the pertinency of that information and the trial court ruled that such evidence was sufficient for that purpose. No more was required or, indeed, relevant.

Furthermore, the Committee's records are confidential. Their disclosure to the public would greatly weaken the effectiveness of the Committee's investigatory powers and could deter members of the public from reporting subversive activities for fear that their names might be disclosed. It was not incumbent upon the Government to produce its files for the benefit of petitioner; *Marshall* v. *United States*, *supra*; cf. *Goldman* v. *United States*, 316 U. S. 129, 132; *Jordan* v. *Bondy*, 114 F. 2d 599, 602–603 (C. A. D. C.); *United States* v. *Muraskin*, 99 F. 2d 815, 816 (C. A. 2); *Arnstein* v. *United States*, 296

Fed. 946, 950 (C. A. D. C.), certiorari denied, 264 U. S. 595; see also *Townsend* v. *United States, supra,* 95 F. 2d at 359.

Finally, petitioner's attempt to impugn the motives of members of the Committee in pursuing an investigation clearly within the scope of its authority was properly foreclosed by the trial court. *Eisler* v. *United States,* 170 F. 2d 273, 279 (C. A. D. C.), certiorari granted, 335 U. S. 857, No. 255, O. T. 1948, cause ordered removed from docket, 338 U. S. 189; *Dennis* v. *United States,* 171 F. 2d 986, 988–990 (C. A. D. C.), certiorari granted, limited to a different question, June 27, 1949, No. 14, O. T., 1949; *Barsky* v. *United States, supra,* 167 F. 2d at 251; *Marshall* v. *United States, supra.* See also our brief in the *Eisler* case, *supra,* pp. 90–93.

3. Petitioner's contention (Pet. 24) that the subpoena for production of the Council's records (R. 251–252) was invalid under the Fourth Amendment because it was too broad and constituted merely a "fishing expedition" is unavailing. In the first place, this contention involves only the first count of the indictment. The sentence imposed on petitioner was a general one and did not exceed the penalties which might have been imposed on the second count for refusing to give the names of the members of the Council's publications committee. Hence, the contention need not be considered. *Pinkerton* v. *United States,* 328 U. S. 640, 644; *Hirabayashi* v. *United*

States, 320 U. S. 81, 85, 105; *Sinclair* v. *United States*, 279 U. S. 263, 299. In any event, we have shown that the materials demanded by the subpoena were pertinent. Subpoenas much broader in scope and covering much longer periods than the one year involved here [12] have been upheld as valid. *Brown* v. *United States*, 276 U. S. 134, 138; *Wheeler* v. *United States*, 226 U. S. 478, 483; *United States* v. *Medical Society*, 26 F. Supp. 55, 57 (D. C. D. C.). In *Marshall* v. *United States*, *supra*, a subpoena very similar to the one involved here but covering a period of approximately 5½ years, was upheld. See our brief in that case, pp. 13–14.

It should also be noted that although petitioner stated that compliance with the subpoena would have meant production of about 88 drawers of material and an interference with the Council's business, he admitted this was not the reason for his refusal to produce the records (R. 184), the real reason being that he believed it was beyond the power of the Committee to issue the subpoena (R. 11–12). In addition, the Committee, in order not to inconvenience the Council, offered to send an investigator to the Council's New York office to examine the records sought, but petitioner stated he would not permit this (R. 12).

[12] In the instant case the subpoena was narrowly limited to the Council's records for 1945 (R. 252), whereas the Council had been organized as early as November 1942 (R. 255).

4. There is no merit in petitioner's attack (Pet. 30) upon the trial court's instruction that the word "willfully" as used in R. S. 102 (*supra*, p. 3) requires only that the default be intentional and deliberate, as distinguished from accidental or inadvertent, and does not mean that it must be for an evil or bad purpose (R. 215). Neither was there any error, as petitioner asserts, in excluding proffered evidence calculated to show that he acted in good faith. This argument has uniformly been rejected in cases arising under this statute. *Sinclair* v. *United States*, 279 U. S. 263, 299; *Fields* v. *United States*, 164 F. 2d 97, 100 (C. A. D. C.), certiorari denied, 332 U. S. 851; *Barsky* v. *United States*, *supra*, 167 F. 2d at 251; *Eisler* v. *United States*, *supra*, 170 F. 2d at 280; *Townsend* v. *United States*, *supra*, 95 F. 2d at 357; *Marshall* v. *United States*, *supra*. The cases petitioner cites (Pet. 30) involved other and different statutes.

5. Petitioner attempts to reap an advantage from the recent decision of this Court in *Christoffel* v. *United States*, 338 U. S. 84. But, "unfortunately," as he puts it (Pet. 29), no issue as to the presence of a quorum of the Committee was raised or canvassed at the trial. Counsel would supply this deficiency with the statement that "petitioner has informed his counsel that only three members of the nine-member Committee attended the hearing at which he appeared, with one

of such members leaving before the petitioner refused to answer the question or produce the documents for which refusals he was convicted" (Pet. 29). But, obviously, this will not do. For aught that appears, the members present may have constituted a subcommittee. In the circumstances, petitioner has no standing now to raise the question. Review here is confined to the record, *Thomson* v. *Gaskill*, 315 U. S. 442, 446, and the allegations of fact made in the petition are unavailing. *Bono* v. *United States*, 113 F. 2d 724, 725 (C. A. 2).

6. Petitioner reiterates the oft-rejected contention that the Committee's charter is unconstitutional, and rests upon the brief for the petitioner in *Eisler* v. *United States, supra*, No. 255, O. T. 1948. We rest our case on this question on our brief in the *Eisler* case, pp. 22–64, and the decisions of the Court of Appeals for the District of Columbia Circuit in that case and the *Barsky*, *Dennis*, and *Marshall* cases, *supra*, as well as the Second Circuit's decision in *Josephson* v. *United States*, 165 F. 2d 82, certiorari denied, 333 U. S. 838.

7. Petitioner contends (Pet. 27–29) that government employees should not have been allowed to serve on the jury because of possible prejudice against him resulting from fear of loss of employment if they should acquit, and he points to Executive Order 9835, 12 Fed. Reg. 1935, the "loyalty order," and the Attorney General's list of subversive organizations, including the Council,

as engendering such fear. Specifically, he complains of the trial court's refusal to question government employees on the panel concerning the Executive Order, the Attorney General's list, or any fear they might have of losing their jobs for disloyalty if they should find petitioner not guilty (R. 61–64).

In the exercise of peremptory challenges the Government excluded one government employee (Tr. 109) and the defense three (Tr. 108, 109, 110). As finally selected, the jury contained three government employees (Tr. 83, R. 65; Tr. 92, R. 66; Tr. 83, 91; R. 66).

Questions 47 to 59 (R. 61–63), which petitioner framed and maintains should have been asked, were improper as suggesting groundless fears and prejudice to the jurors, but the unobjectionable parts of them were embodied in questions 38 to 46 (R. 61), which were asked by the court (Tr. 90, 92, 93). Questions 55, 56, and 57 (R. 62) suggested, contrary to the facts, that a vote for acquittal might be used to harm the careers of jurors employed by the Government. Such questions, if allowed, might have raised groundless fears that the Committee would hold such jurors suspect of Communism and enter notations of such suspicions in its files, which later might prejudice them in loyalty investigations. Therefore, there was a real possibility that the asking of such questions might result in a jury not wholly impartial, whereas the very purpose of the voir dire

was to assure an impartial jury. Question 60 (R. 63), which the court asked (R. 64), was as favorable as petitioner could demand, and helped to eliminate from the jury anyone prejudiced in the Government's favor against petitioner.

No issues of subversive or alleged subversive propaganda activities were submitted to the jury. The only reference to such activities was on the issue of pertinency heard outside the presence of the jury (R. 74), and the court instructed the jury that the documents subpoenaed and the question propounded were pertinent to the inquiry (R. 213). Since the jury had to decide only the principal questions of wilful refusal to produce the records required by the subpoena and refusal to answer the question propounded (R. 216), they had no occasion to consider whether the Council was engaged in subversive activities. Therefore, an acquittal by the jury could not reasonably be construed as a repudiation of any action or policy of the Attorney General or other government officer administering the loyalty program. Under these circumstances, as we pointed out in our brief in the *Marshall* case, *supra*, an order excluding all government employees from the jury panel would have been inconsistent with the rule of *Thiel* v. *Southern Pacific Company*, 328 U. S. 217, because government employees constitute a substantial cross-section of the community. And it is settled that, as a general rule, the presence of government employees on the jury in a criminal

prosecution does not *ipso facto* deprive the defendant of an impartial trial. *Frazier* v. *United States,* 335 U. S. 497; *United States* v. *Wood,* 299 U. S. 123.

However, on June 27, 1949, this Court granted certiorari in *Dennis* v. *United States,* 171 F. 2d 986 (C. A. D. C.), No. 14, this Term, on the "question whether government employees could properly serve on the jury which tried" Dennis for a similar violation of R. S. 102 in failing to respond to a subpoena issued by the Committee. Since the broad question to be decided in the *Dennis* case is whether government employees are disqualified as a class from jury service in cases of this type, and since that issue is also presented here, it is suggested that on this point the Court enter an appropriate order in this case in the light of the final decision to be reached in the *Dennis* case.

CONCLUSION

Subject to the qualification stated at p. 19, *supra,* in respect of the service of government employees on the jury which tried petitioner, we respectfully submit that the petition for a writ of certiorari presents no question requiring further review by this Court and should therefore be denied.

PHILIP B. PERLMAN,
Solictor General.
ALEXANDER M. CAMPBELL,
Assistant Attorney General.
ROBERT S. ERDAHL,
ROBERT G. MAYSACK,
Attorneys.

SEPTEMBER 1949.

Office - Supreme Court, U. S.
FILED
OCT 1 3 1949
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1949

No. 236

RICHARD MORFORD,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. 766

EDWARD K. BARSKY, et al.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

BRIEF OF COMMITTEE FOR A DEMOCRATIC FAR EASTERN POLICY, AS AMICUS CURIAE

WILLIAM L. STANDARD,
291 Broadway,
New York City,
Counsel.

IRA GOLLOBIN,
1441 Broadway,
New York, 18, N. Y.,
of Counsel.

SUBJECT INDEX

	PAGE
Introductory Statement	1
Freedom of Opinion	2
Conclusion	7

TABLE OF AUTHORITIES CITED

Cases

Board of Education v. Barnette, 319 U. S. 642, 641 ... 3, 4

Federal Trade Commission v. United States Tobacco Company, 264 U. S. 299 ... 2

Olmstead v. United States, 277 U. S. 438, 487 ... 2

IN THE

Supreme Court of the United States

OCTOBER TERM, 1949

No. 236

RICHARD MORFORD,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. 766

EDWARD K. BARSKY, et al.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

BRIEF OF COMMITTEE FOR A DEMOCRATIC FAR EASTERN POLICY, AS AMICUS CURIAE

INTRODUCTORY STATEMENT

The Committee for a Democratic Far Eastern Policy is an organization composed of writers, educators, trade union leaders, lawyers, scientists and many well-known figures in American public life. The Chairman of the organization from its inception to the time of his death was Brigadier General Evans F. Carlson. The program of the organization favors the establishment of a policy towards the peoples of the Far East which will be conducive to peace and mutually beneficial trade and other relations

between the American people and the peoples of the Far East.

Having in mind that the issues involved in these three cases are of vital general concern, particularly for an organization in the field of governmental policy concerned with the right of freedom of opinion, of the right to disagree, the Committee respectfully requests leave to submit the following brief amicus curiae, to which the attorneys for the parties have consented.

FREEDOM OF OPINION

The opinion of the Court below in the case of Richard Morford makes patent some of the inherent dangers in the course now being pursued. In essence, the Court equates being "consistently critical of the foreign policy of the United States" with an attack on the principle of our form of government. The Committee for a Democratic Far Eastern Policy has, for example, pointed out over a period of time since V-J Day that a policy of intervention in the internal affairs of China would necessarily fail. The Truman Administration has, however, pursued a contrary policy. In the White Paper "United States Relations with China" the State Department admitted that its past policy was ill-conceived and foredoomed to failure. Yet, despite this, the Committee for a Democratic Far Eastern Policy would, on the basis of the criteria enunciated in the opinion of the Court below in the Morford case, be deemed to have attacked the principle of our form of government. Furthermore, the assumption that a Congressional Committee may require the production from any organization of any or all of its papers or documents solely on the ground that such papers or documents might contain something of interest to the Committee is prohibited by the Fourth Amendment. See *Federal Trade Commission* v. *United States Tobacco Company*, 264 U. S. 299. Very little would be left of the "right to be let alone", Brandeis, J., dissenting in *Olmstead* v. *United States*, 277 U. S. 438, 487.

On the surface, these cases involve merely individuals in organizations. At bottom, however, the issues are of fundamental constitutional importance. The objectives of the Committee on Un-American activities by its terms of reference and as constituted and applied basically involve an assertion and exercise of unlimited power uncircumscribed by and not pertinent to constitutional legislative purposes. The right of free speech and association granted by the Constitution would depend on the caprices of a host of government officials who would, from time to time, approve such activities as they saw fit.

The essential design of the constitutional fabric is the principle of popular sovereignty, of government only by the consent of the governed. Its warp and woof is the doctrine that the will of the people themselves is primary to the aims and policies of any group of public officials. And the realization of that principle, the implementation of the primacy of popular will over governmental authority, depends upon the impotence of such authority to mold that will. "Authority here", said Mr. Justice Jackson (writing for this Court in *Board of Education* v. *Barnette*, 319 U. S. 624, 641) "is to be controlled by public opinion, not public opinion by authority."

Public opinion, popular will, is determined by what people hear, read and see, by the manner in which they interpret their own experiences and what they can learn of the experiences of others, by the interchange of ideas, by analysis, argument, and agitation. Were the government empowered to affect the course of that determination—by granting official favor to one set of ideas, as against another, by obstructing the expression of one point of view and facilitating the expression of others, by harassing and suppressing those with whom it disagreed—it could in essence fix the ultimate determination itself. Given the power to influence and direct thought and its expression, government could reverse the maxim enunciated by Justice Jackson, could control public opinion instead of being controlled by it, could endow itself with the substance of

despotic power. For then would the wielders of governmental authority be responsible in fact to themselves alone; by enslaving the popular will, they could usurp the popular sovereignty, and become, not the servants but the masters of the people.

Those who fought a bitter, bloody struggle to gain their freedom and independence sought a safeguard against making such a mockery of their sacrifice. They were wary of the temptations of governmental power. They were determined to prevent so easy a subversion of the democratic institutions they were establishing in the Constitution. Accordingly, they insisted upon the incorporation in that document of a specific prohibition against the invasion by government of the area of thought and expression. They sought, by the agency of the First Amendment, to guarantee the inviolability of the mind and will of every American against governmental intervention in any form.

The First Amendment is thus the very foundation of our republican form of government. It is the "matrix, the indispensable condition" of all our other liberties, of every institution of our democracy.

> "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein." (*Board of Education* v. *Barnette*, supra at p. 642.)

But the present cases confront us with nothing less than an effort to eclipse that star. Here we have a statute which purports by its terms to endow a group of public officials—a Committee of Congress—with the power to prescribe what shall be orthodox in matters of public and private life and opinion. Here we have the spectacle of a group of public officials acting under that statute proclaiming its peculiar definitions of heresy in economic, social and political doctrine, bestowing its favor upon individuals and groups which meet its standards of propriety, thundering its condemnation of those with whom it disagrees, and re-

quiring citizens either to avow the orthodoxy or to confess the heresy the Committee has defined.

To be sure the statute and its creature do not use the terms "orthodoxy" or "heresy": their characterizations are framed in terms of "loyal" and "subversive", "American" and "Unamerican". They do not refer to "social, political, and economic doctrine"; the term "propaganda" serves as a substitute. But the meaning, the content is the same. What we have is a group of officials who presume to announce what is right or wrong, acceptable or unacceptable, for Americans to think and write and say. With Congressional approval, they have set themselves up as the definitive interpreters of good and bad American thought. They have assumed the prerogative of applying the seal of official approval to the tenets of certain individuals and groups and to brand others with the stigma of "subversive". Is this not the official prescription of orthodoxy? Surely, the one fixed star in our constitutional constellation does not fade before an artful epithet.

Upon what basis can such a body, acting in such flagrant violation of the constitutional precepts announced by this court be permitted to exist? Surely, the failure of the statute to set forth criminal penalties for the Committee-defined heresy is not decisive. This Court has said that "no official, high or petty, can *prescribe* what shall be orthodox". (Emphasis added.) Congress may not punish heresy or "Unamericanism", for the simple reason that it lacks the power to prescribe that which is to be punished. It is the prescription to which this Court referred, and the lack of power to punish is but a corollary to the lack of power to prescribe.

Moreover, the First Amendment provides broadly that Congress shall make *no law abridging* freedom of thought or expression. It does not confine its proscription to abridgments enforced by fine or imprisonment or injunction. It does not wilt in the face of other repressive devices. This Court has said many times that the Constitution was designed to keep abreast of the times; it must do

so above all with regard to its safeguards against the incursions of despotism.

And in our time, the most devastating of such incursions was accomplished to a large extent by the very technique with which we are concerned. In the Nazi system of repression, the Ministry of Information and Propaganda under Herr Goebels had a peculiar and vital place. Its function was not to punish. It confined itself to declaring publicly what was "Aryan" or "Unaryan", good or bad for a German to say, to read, to see. It defined those writings and speeches and persons and organizations which were acceptable to government and those which were taboo. And it relied upon other public and private agencies to impose the sanctions for its "informational" edicts. Those whom it condemned could expect to be discharged from their jobs, ostracized from social intercourse, subjected to humiliation and violent assault, to prosecution for any conceivable technical offenses. But the Ministry itself was in the clear—its function was simply to "expose" and to "inform."

Is that not precisely the function of the Committee with which we are here concerned? It too publishes its taboos and relies on other agencies for the imposition of sanctions. Those whom it finds objectionable are publicly vilified, slandered, and harassed. Individuals who associate themselves with persons or organizations characterized by the Committee as "Un-American" become the objects of suspicion, of official and unofficial investigation, find themselves deprived of the opportunity for public and private employment, hindered in the pursuit of every normal channel for the fulfillment of their lives. It is indeed the aim of the Committee to destroy organizations with whose purposes the Committee disagrees (such as that in whose behalf this brief is filed), by making persons fearful of participating in its efforts.

There is no room for subtlety here. Stripped of nice technicalities we are presented with a crude effort on the part of an agency of government to cast public opinion in the narrow mold that agency has itself prepared. We

are faced with the exercise by a group of public officials of a prerogative never before assumed in our entire history — that of formulating for every American standards of thought and expression and association and of compelling conformity to these standards under pain of penalties. We are confronted by a group of men who propose to foist upon us an iron clad censorship of every organ of expression, of every cultural and political form. We are faced with the persecution of individuals who courageously challenge the power of any official to compel their acceptance of those standards of thought, who refused to submit to an inquisition in those spheres wherein the Constitution grants them immunity from governmental intrusion.

CONCLUSION

This Court is being asked to vindicate the guarantees of the First Amendment from an encroachment by the Federal Congress. If our constitutional liberties are to retain the life and vitality with which they were originally invested, these convictions should be set aside.

These issues which go to the very foundation of our democracy are presented in each of the petitions herein. Their decision will have a vital bearing not only upon the petitioners but also on countless people and groups whose freedoms are at stake. Indeed, the substance of the First and Fourth Amendments will be vitally affected by the outcome of these cases. We deem it crucial to the national welfare that this Court grant the petitions herein.

WILLIAM L. STANDARD,
Counsel.

IRA GOLLOBIN,
of Counsel.